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The American Political Science Review

VOL. XXXIX JUNE, 1945 NO. 3

PARTY GOVERNMENT AND THE SWEDISH RIKSDAG

RICHARD C. SPENCER*

Governments Division, United States Bureau of the Census

I. THE GENERAL CHARACTER OF PARTIES

Swedish experience highlights the simple logic of political science that popular electoral democracy calls for a clear line of undivided responsibility reaching from the policy-initiating executive branch of government through a thoroughly representative and deliberative legislature to the great body of voters. Contrariwise, Swedish experience seems to refute certain notions about the "parliamentary-majority" basis for judging of "strong government" in a democracy as these expressions often have been interpreted from the experience of Britain, France, and the United States. From both the positive and negative points of view, Swedish institutions merit examination, especially since they have successfully endured severe tests. The Swedish political system came through the prewar depression years with an enviable record; and, despite enormous international pressures and the accompanying domestic anxieties, it is surviving the war years with a consistent policy of its own, without sacrificing free and regular elections. Sweden provides, therefore, an excellent laboratory for testing principles of democracy, of representation, and of party government.[1]

* The author is grateful for, and has taken advantage herein of, comments offered by Mr. Sven Dahlman, counselor of the Swedish Legation in Washington, and Mr. Eyvind Bratt, first vice-consul of the Swedish Consulate-General in Chicago, both of whom were kind enough to read the article in manuscript.

The article has been written in the author's private capacity as a student of government and is in no way related to the official work of the Bureau of the Census.

[1] The most comprehensive work on the development of parties in the Swedish Riksdag since the establishment of the two-chamber system in 1866 is Edvard Thermaenius, *Riksdagspartierna* (1935), being Volume 17 of *Sveriges Riksdag*

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Party developments, largely in the past thirty-five years, have gradually but definitely remolded public life in Sweden. The change has not been so much in outward governmental form, in the character of the parliament or Riksdag, or in its rules of procedure, but rather in party structure, operation, and motivation within the given governmental structure—primarily as a result of the introduction of proportional representation in 1909.[2] The principle of ministerial responsibility to parliament had already been established. The increase in the electorate, by extending the vote to women and then by lowering the general voting age, broadened and strengthened the democratic foundation of the government. But this did not affect basic operations to so great an extent as did the representation of political parties in parliament in direct proportion to their ability to attract popular votes for their candidates individually.[3]

The party system has gained an extraordinarily firm grip on the formation of political opinion in Sweden. Without support of a party, it is said now to be very difficult for any other group in society to give public effect to its views, so that nearly all significant public opinion originates in a party or, if in some private-interest organization, by way of a political party.[4] But the controlling party group has become responsible and accountable rather than arbitrary in its operations—a matter of utmost importance from the democratic point of view.

Political parties not only select candidates for elective offices, as

(Stockholm), a series of scholarly volumes commemorating in 1935 the five-hundredth anniversary of the Riksdag. Current party organization and procedure are described in the same author's work, *Sveriges Politiska Partier* (Stockholm, 1933). Two excellent short works are Elis Håstad, *Partierna i Regering och Riksdag* (1938), referred to herein as Håstad, *Partierna*, and *Det Moderna Partiväsendets Organisation* (1938), being Numbers 408 and 407, respectively, of *Student Föreningen Verdandis Småskrifter* (Stockholm). Excellent short sketches of all parties are found in Gunnar Dahlberg and Herbert Tingsten, *Svensk Politisk Uppslagsbok* (Stockholm, 1937).

[2] The period prior to 1909 or 1911 is commonly differentiated from that following. Thermaenius, for example, divides his volume, *Riksdagspartierna*, into the period before 1911, "period of majority elections," and that since 1911, the period of "Riksdag parties."

[3] Voting for candidates individually under a party label distinguishes the Swedish and some other types of proportional representation from one like the so-called Baden system, as used by the German Republic and Czechoslovakia, in which the voter cast his ballot for a party only, even though the names of candidates were listed under the party name. For a compact description of the Swedish election system, see P. E. Sköld and Al Vanner, *Valhandbok* (Stockholm, 1938), especially pp. 30, 53–56.

[4] Håstad, *Partierna*, p. 57.

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in other democratic countries, but also have, as elsewhere, provided the appointments to key policy-forming administrative posts. Incidentally, parties have brought into high political positions of public confidence, in parliament and in the cabinet, many persons of ability who represent in a broad sense definite social interests, but who may not have had more than a secondary education. Avenues to political power are open to persons of capacity as well as of social standing, without impairing the stability of civil service tenure.

The ministry itself has become essentially the highest party organ or committee, in the sense that the majority party or majority group introduces into the Riksdag public measures, the broader policies of which are party-originated and supported instead of being purely technical administrative measures following traditional lines.

In formulating and expressing political opinion, political parties may ally themselves with and become the politically effective spokesmen for broad groups of fairly well defined interests in society.[5] Thus the Social Democratic party is associated with the

[5] The Social Democratic party, the largest in Sweden today, is based upon the general economic philosophy of Karl Marx; but the development of election programs, while based on belief in working-class solidarity and the antipathy of capital and labor, have been moderate in tone. The party has stood for republican government, liberal suffrage, secular education, separation of church and state, free trade, state ownership of essential natural resources, participation of workers in industrial management, and social control over credit, transportation, communication, and larger agricultural holdings. Gradual constitutional change has been sought. In the 1936 election campaign, the party promised to propose only such interference with private enterprise as might seem appropriate to the economic conditions of the time. It said then, and the prime minister as its spokesman again in the 1944 campaign repeated, that there was no intention of putting business in a strait-jacket. Some influential members of the party, however, are more strongly inclined toward a planned economy than is the prime minister. In domestic affairs, the Social Democrats get some coöperation from the Farmers' party; prior to the present war, they also got a measure of support in international policy from the Liberal party. Elements of the Social Democratic party demanding more radical changes than the party was willing to sponsor have split away to form small groups of their own, among them the left-wing Socialists and the Communists.

The Conservative party embraces the well-to-do business and industrial interests, the traditionally conservative civil service bureaucracy, and the more conservative sections of the older Agrarian party—elements which merged prior to the complete democratization of the Riksdag. It claims to be a peoples' party to support national solidarity, strong government independent of class interest, individual and private rights under law, private ownership of free enterprise, Christian education, and the Christian throne; it condemns state monopolies, socialization of industry, state regulation, and the unlimited right of labor to strike.

The Liberal, or Popular, party is a middle-class organization which has stood for

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labor federation and the tenants' building and loan association. It is also sympathetic towards, although in no organic way associated with, the consumers' coöperative, and has become the party of general social welfare founded on working-class interests. Parties not so closely allied are, nevertheless, obliged to adjust their programs to appeal to definite interests; and those occupational or business associations whose interests are not represented by, say, the Social Democratic party, are in a position to induce parties to make policy bids for their support. Pressure groups tend thus to approach party organizations as their means of getting governmental action in desired national lawmaking and administrative directives. Interest groups are much more effective under the Swedish proportional representation system when they play party against party for popular votes than when they attempt to apply direct legislative lobby pressure. Their operations are, in terms of responsibility, more easily observed and considered by the general public before or while the Riksdag and the ministry act upon them.

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suffrage and election reforms, democratic administration, and "sound" economic and social institutions. In its middle position, since the attainment of electoral reforms, it has lost members from its right wing to the Conservatives and from its left to the Social Democrats, and the remainder has split and then reunited, and tends to represent urban interests, non-conformist church organizations, and temperance groups.

The Farmers' party arose as the small farmers' instrumentality, but now represents farm interests generally, whereas the older agrarian element in the Conservative party represents the large estates. The program calls for bringing to the rural population equal opportunities with those of urban and industrial life and opposes oppressive credit, high taxes, and monopolies. This party drew heavily from the Liberal party after 1920, and more recently has attracted the votes of various types of rural workers.

The Radical Socialists, following the Third International, and the Communists are small groups, with usually one to three members in the Riksdag's popular chamber and perhaps one in the other house. In 1944, however, the Communist vote gave this party 15 members of the 230 in the larger house. This increase has been interpreted more as a protest against wage policies of the Social Democrats than as an increase in Communist sympathizers.

The fascist-nazi-minded National Socialists are also organized, but, split into three groups in 1944, they polled in all only some thirteen thousand votes.

See Dahlberg and Tingsten, *op. cit.*, under, respectively, Social-demokratiska Arbetarpartiet, Höger, Borgerlig Vänster, Bondeförbundet, Kommunism; also, for current comments, the bulletins of the American-Swedish News Exchange (New York), *Radiogram från Sverige* and *News From Sweden* during August and September, 1944. The principal work on the earlier agrarian elements of the Conservative party is Edvard Thermaenius, *Lantmannapartiet* (Uppsala, 1928); that on the Liberal party is Hans-Krister Rönblom, *Frisinnade Landsföreningen, 1902–1927* (Stockholm, 1929).

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One Swedish authority on party government, in comparing the party system of his own country with other systems, with both representative and authoritative systems on the European continent and with the American party system, concluded that, although Swedish parties need as constant watching as parties elsewhere, the system has assured to Sweden a national solidarity and comparative economic well-being not found in most other countries. He considers that, while far from faultless, parties have achieved the double objective of being firmly enough organized to manage the state effectively and yet moderate enough to prevent party strive from endangering national unity.[6] In brief, responsible leadership, with definite party policies, directs the affairs of state.

II. POLITICAL SCIENCE CONCEPTS AFFECTED

A comparison of the usual concepts of party leadership and party government as elements in popular government with the characteristics of the Swedish system is enlightening. The expression "party leadership" has come to mean in a popular sense, and particularly in the United States, anything from the one extreme either of national dictatorship as in Germany and Italy, or of local bossism as in the United States, to the other extreme of mere conspicuousness among party members. In Sweden, however, the expression implies what is meant in political science, the personal qualities which for one reason or another attract large enough followings and inspire sufficient public confidence so that the person or persons so endowed can direct followers in a disciplined, organized effort toward their collective goal. It is the reverse of the boss concept and the *führer princip*, because of the voluntary quality of the following and because, in essence if not in form, of the elective status of the acknowledged leader.

"Party government" is also an expression carrying different connotations. Usually it has implied the dominance of government by a single political party having a majority of the membership in the legislature, faced by an opposition party of sufficient strength to be a constant contender for power and to keep minor parties, if any, so small as to be negligible. Although this has never been a very realistic view, particularly the concept of the opposition as the second party in a "two-party system," the peculiar development of the British parliamentary arrangements, coupled with single-mem-

[6] Håstad, *Partierna*, pp. 63–67.

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ber-district elections which exaggerate parliamentary majorities, lent a potent symbol strongly affecting political thinking not only in Anglo-American countries but in smaller countries as well, including Sweden.

The experience of most countries, however, particularly in the last generation, under the impact of large-scale industrial organization and of international markets in materials, labor, and finance, is that the two-party system does not exist in reality—even in British jurisdictions.[7] A majority, or only a plurality, party may gain ascendency and form the cabinet, but the opposition is multiple, however organized, and is constantly inducing the disaffection of majority fringes. Some governments, like the Swedish, by introducing proportional representation, have recognized these multiple electoral factors and carried them into their ministries.

A concomitant of the common notion of majority-party may also be examined—only a government whose ministry enjoys majority parliamentary membership can be strong, because the ministry is thus sure of majority support for its measures. This questionable concept again comes from England, where the cabinet's virtual "dictatorship" over parliament through the threat of dissolution makes the cabinet strong at the expense of democratic representation.[8] The converse idea that a cabinet can be strong because its representative assembly is politically stable is seldom expressed, yet this principle is exemplified in Sweden in spite of the tendency in that country to look toward England for intellectual and political cues.[9]

The basic element in the concept of "party government" is control of the machinery of government by a group which, by itself or

[7] The form is maintained in the United States, but scattered leadership, lack of party principles, and the vigor and tactics of legislative lobbies and pressure blocs attest to contradiction between the American parties and the realities of political life.

[8] Cf. Ramsay Muir, *How Britain is Governed* (3rd rev. ed., 1933), esp. Chap. 3 and pp. 323–325. Swedish recognition of this view of the British cabinet may be found in Pontus Fahlbeck, *Engelsk Parlamentarism contra Svensk* (Lund, 1916), pp. 3–7.

[9] For a brief comparison of Swedish strength of parliament with British strength of cabinet by a Swedish writer strongly influenced by the British system, see *Journal of Comparative Legislation and International Law* (3d Ser., Vol. 10, 1928), pp. 312–317. Compare also, for the traditional interpretation of the Swedish system, "Dictatorship and Irresponsible Parliamentarism—A Study in the Government of Sweden," by Walter Sandelius, *Political Science Quarterly*, Vol. 49 (1934), pp. 347–371.

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in coalition, is party-inspired in a system in which parties and their candidates contend for power in free competition for popular votes at election time. Swedish party government has until recently meant coalition government, but this lack of single party majority has not meant weak government. With majority party government, which now has been realized but not completely exploited, the possibilities point to relatively great strength and stability of government—by the ministry, but controlled by parliament.

III. CONSTITUTIONAL FACILITIES FOR PARTY GOVERNMENT

Political parties do not and cannot operate in a vacuum; neither does a constitution. Although parties are necessary to provide cohesiveness to the control features of government, they mold their own particular form and processes to the constitutional or basic structure of the government. Popular government in Sweden, as elsewhere, is composed of the bony skeleton of constitutional prescription and of the sinews of party. Even though its basic constitutional arrangements are considerably different from those of many other governments, especially the American, the essentials of democratic government have long been present.[10] The Swedish

[10] The Swedish Riksdag dates from 1435. Many features of the Swedish national administrative organization and of the judiciary antedate the establishment of the current constitution in 1809. The changes in both Riksdag and the executive branch by amendment and custom since 1809, however, have been of the greatest significance to the development of party government, for the way was gradually opened for direct relationship between popular elections and the course of administration. Matters of high policy, it was established in 1840, should be prepared by a single collegial agency or ministry, operating as the crown, with its members assigned as chiefs to a given number of functional administrative departments. Each department chief was to present for crown deliberations the matters pertaining to his department. The Riksdag was to meet every third year, from 1844, and finally after 1866 in regular session annually, with special sessions made possible.

The years 1865–1866 brought one of the most important changes aimed at making the legislative branch more workable. Although minor changes occurred between 1809 and 1866, in the latter year the Riksdag of four classes, which represented the Swedish people in only a limited way, was transformed into a parliament of two chambers which through the limited, though direct, representation in the lower, or second, chamber paved the way for later electoral reforms. Two significant changes which practically set the present type of party government in motion occurred in 1909. The suffrage was extended to all men over twenty-four years of age and, even more important from the point of view of the particular type of party government in Sweden today, proportional representation was adopted. In 1919, women were also admitted to the suffrage, and recently the voting age for men and women was lowered to twenty-one. For a brief outline of the essential features of Swedish national government, see my article, "The Swedish Pattern of Responsible Government," in the *Southwestern Social Science Quarterly* (June, 1940), pp. 53–65.

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government, it need hardly be said, is one based on law. Law is made only by or with the consent of a freely and popularly elected legislature. Popular decisions as expressed in elections are universally accepted as final.

The peculiar aspects of governmental structure making Swedish parties operate differently from either American or British parties are in their essence few, but highly significant. Provision was made for avoiding the most inconvenient features of the separation of powers outlined in the constitution, in that legislative control of finances made the administration subordinate to parliament rather than the king, and the continuance of the kingship prevented the adoption of a separately elected executive. The usual effects of checks and balances between the separately elected legislative chambers were mitigated by the constitutional establishment of a limited number of joint-chamber committees through which business must be conducted, and by permitting a joint vote (not a joint sitting) of the two houses when they disagree on financial measures. And, as emphasized throughout this paper, proportional-representation elections were instituted by amendment to replace the former so-called majority elections.

If certain clumsy features of structure are brushed aside and constitutional essence is viewed, a clear line of political influence is traceable today—the administration and ministry are dependent on the Riksdag, and the Riksdag is dependent, in turn, on the voters at parliamentary elections. The effect of the elections is direct and not distorted. Responsibility points from the apex of the governmental hierarchy downward to the voters, and leadership organization points upward from the voters at the base to the prime minister at the apex. The leaders of the ministry are selected from among the leaders in the Riksdag. Most of the leaders in the Riksdag are leaders in the national organization of their respective parties and are, therefore, leaders of the voters expressing various group interests.

The bud of the modern party system may be said to have burst into bloom in the first decade of the twentieth century and probably may now be considered to have reached its full flowering. Party development aided in, and then greatly profited by, the establishment of the present representative system. Further changes may be expected with changes in governmental form; but, unless untoward international events compel otherwise, the likely changes

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will be in the direction of further maturing the present system and ripening its seeds for the future.[11]

The Swedes, with sidewise glances at British "majority" control, nevertheless have had some constitutional arguments as to what constitutes party government and by what and by how much authority a party, or coalition of parties, may arrogate to itself the power to insist on an harmonious parliamentary program, and to demand consistency of action between the ministry at the apex of the administration and the expressions of the voters at parliamentary elections. If the measure of authority is majority support in parliament, may that majority be merely in either one of the two houses of parliament, in one particular house, or in a majority of both houses? Each view has support of some historical precedent, but, strange as it may seem to one unfamiliar with a combination of proportional representation and joint legislative committees, the last view is gaining firm hold. That is, a partisan ministry, of single-party or of coalition, is practically responsible to the majority in both houses at once, although the more popular chamber enjoys a somewhat larger influence.

If one makes the common assumption that a single party must have a complete majority either in both chambers or in the dominant chamber, the achievement of party government is very recent and may provoke a question as to its permanence. Before the movement for constitutional amendment in 1918, only the ministry of Edén in 1917 was formed on the basis of a party majority in the popular chamber, and that was a majority composed of Liberals and Social Democrats rather than of a fully united party group. This ministry, however, had majority support in the upper chamber for the few months after the dissolution and reëlection of that house in the summer of 1919 until March of the next year. The repercussions of World War I upon Sweden undoubtedly slowed the breaking down of the tradition of government being conducted by an unpartisan ministry drawn from and responsible to those "better" elements in society who were accustomed to ruling the country without too much attention to popular opinion. Several years elapsed after 1920 before a party with a clearer majority directed

[11] A former prime minister, as historian of the Swedish Riksdag, refers to the period from 1911 to 1921 as that from the reform of the suffrage to full democratization and to the period since 1921 as "after democratization." Nils Edén, *Den Svenska Riksdagen under Femhundra År* (Stockholm, 1935), pp. 293 and 315.

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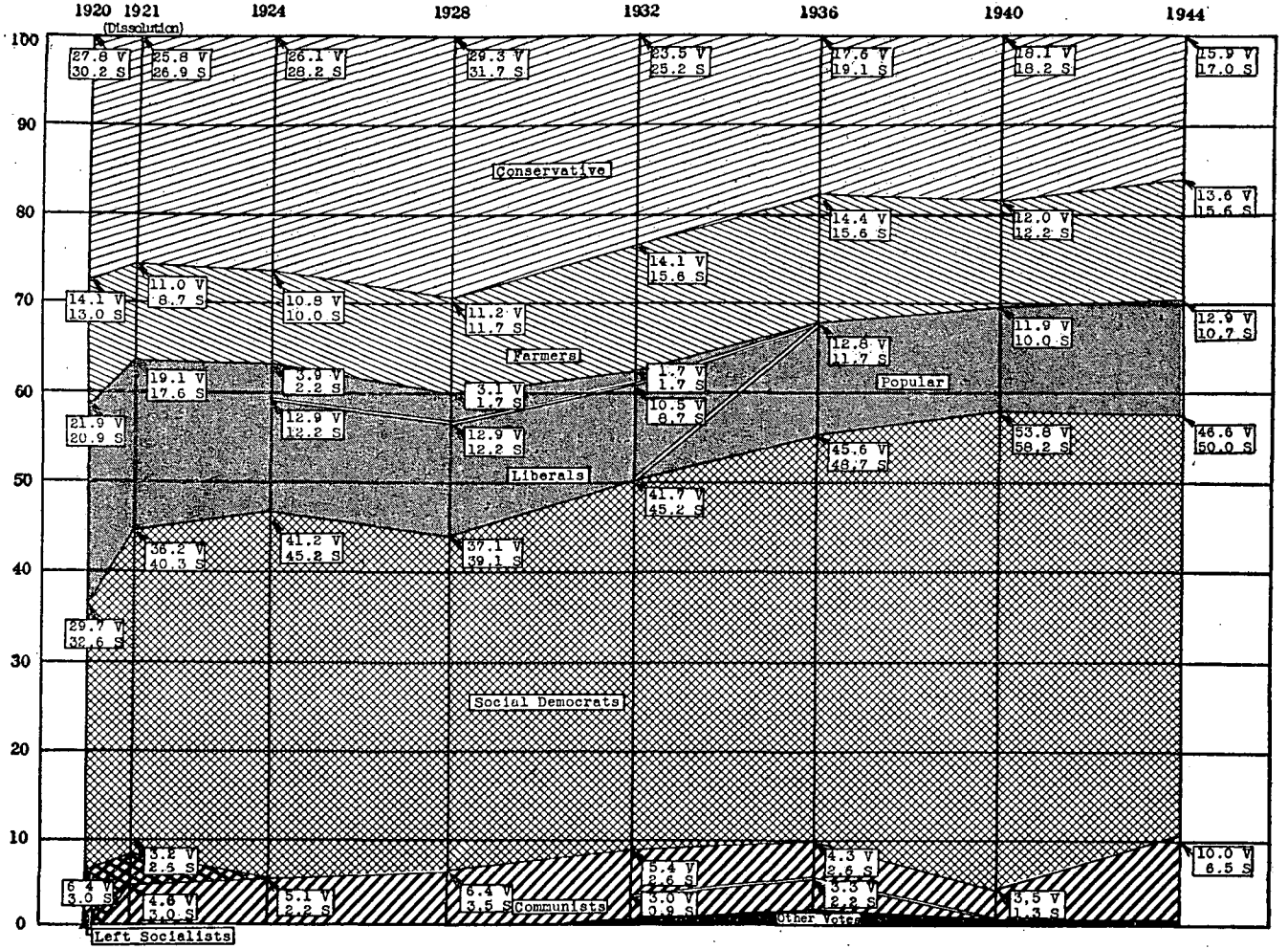
PERCENT OF POPULAR VOTES CAST FOR CANDIDATES OF EACH POLITICAL PARTY AND PERCENTAGE OF SEATS WON IN THE SECOND (POPULAR) CHAMBER OF THE SWEDISH RIKSDAG, 1920-1944
(V: Votes; S: Seats)



Based on Gunnar Dahlberg and Herbert Tingsten, Svensk Politisk Uppslags Bok, 293, for 1920-1936 (figures vary slightly, but unappreciably, from those of Sveriges Officiella Statistisk, Riksdagsmannavalen for years 1932-1936); Sverige Statistisk Årsbok, 1941, for 1940; American-Swedish News Exchange, Radiogram från Sverige, No. 109, Sept. 18, 1944, and No. 116, Oct. 5, 1944, for 1944.

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the affairs of state. By the fall of 1932, the ministry directed by the Social Democratic party approached the character of a majority ministry by depending for support, especially during the critical period when the unemployment question was being dealt with, on agrarian elements. The alliance under the Hansson ministry of the Social Democrats and the Farmers' party assured that majority in the autumn of 1936. After that time the Social Democrats gained a majority of their own in both houses of the Riksdag without having to depend on their agricultural allies.[12] They seemed to be assured of this majority at the elections of 1938 and 1940, but the election of 1944 reduced their number again to an even half of the membership of the popular chamber. The accompanying chart illustrates the development of the popular majority of the Social Democratic party and the relative position of other parties since 1920. If one reasons, however, from historical precedents alone since 1900, rather than from trends and their causes, it could be said that party government is not so firmly established, to say nothing of majority-party government, but that non-party ministries could, perhaps, come into existence.[13] As recently as 1920–21, it can be pointed out, a career ministry existed, composed of high-ranking administrative officials regardless of party. Beginning, however, with the Staaf ministries of 1905–06 and 1911–14, and more definitely after 1917, the trend has been toward responsible partisan ministries, even, as indicated previously, to majority-party ministries. The fact that Swedish ministries regularly contain consultative administrative experts, who may not be party connected, should not be considered as modifying this conclusion. Even expressions, common at an earlier period, of desire for unpartisan ministries are said not now be heard.[14]

[12] The change that has taken place in Sweden may be judged somewhat by comparing the present system with that described by the Swedish scholar Pontus Fahlbeck, who, in his *La Constitution Suédoise et le Parlementarisme Moderne* (Paris, 1905), described Swedish multiple parties of that day as representatives of differences in social needs and pleaders of large-group interests, with no aim or expectation, such as in England, of forming ministries. He felt for that reason that proportional representation, then being strongly advocated in Sweden, was more appropriate for Sweden than for England (pp. 241–245). Eleven years later, when he saw strong party leadership emerging under proportional representation to control the ministry, he felt it to be inconsistent with the Swedish "dual" system of king and parliament and a dangerous imitation of the British "autocratic" cabinet system. *Engelsk Parlamentarism contra Svensk* (Lund, 1916), Introduction.

[13] See Florence E. Janson, "Minority Governments in Sweden," in this REVIEW, Vol. 22, pp. 407–413 (May, 1928). [14] Håstad, *Partierna*, p. 6.

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The natural expectation is that a single party which develops and maintains a clear majority would desire to have all the cabinet seats for its own members. Cabinet solidarity, if not absolutely necessary, is at least desirable from the point of view of a prime minister, who usually feels that he has a sufficiently varied set of conditions to meet in his own party. During the present war, however, even though the Social Democratic party had a majority in the Riksdag, the prime minister organized the cabinet on the basis of a national coalition of members from the four larger parties. A Gallup poll seemed to indicate that popular opinion would not be averse to its continuance after the passage of the emergency, a likely reaction since until recently the public has experienced no other type. But the prime minister let it be known that if the Social Democrats maintained their majority, he himself preferred a one-party ministry. In the election in September, 1944, however, that party lost enough members to leave a coalition ministry still in existence. The membership of the ministry was shifted somewhat following the election, but not the party representation in it.[15] The apparent ease with which the Swedish ministry can, under proportional representation, slide back and forth between single-party and coalition ministries may, therefore, be considered an element of stability, and probably of government strength.

IV. THE MINISTRY AS PARTY AGENCY

As in Great Britain, it is the king who in form invites a likely parliamentary leader to form a ministry as the occasion arises. The normal procedure at the time of a cabinet crisis is for the king to summon to conference the speakers and the party leaders of the two houses of the Riksdag. One of the party leaders is instructed to form a new ministry, and seldom can there be any doubt as to which leader will be chosen. This leader has little difficulty in making his selections if his party commands a majority vote in both houses. If a majority is lacking, he seeks contact with some closely related party in order to broaden the parliamentary base of his prospective ministry. Prominent party members of the parties immediately concerned are consulted by the leader; and those consulted are naturally the inner circle, formally organized and designated as "councillors," never the larger party assemblies, congresses, or representative assemblies. In each party caucus, the prin-

[15] *Radiogram från Sverige*, No. 68 (June 4, 1944), and No. 115 (Oct. 2, 1944).

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cipal consideration at this juncture is whether to participate and assume responsibility in a ministry. Usually the only other question relates to the terms or conditions as to policy under which collaboration is agreed to—conditions which, of course, may not always be too definite or well publicized. Party organs do not distribute the cabinet seats. The prime minister-designate chooses his own colleagues with an eye to personal coöperativeness, general ministerial harmony, and public approval.[16]

The traditional independence of the administration, titularly headed by the king, has some bearing on the spirit in which party government is directed. Although engagements entered into between the prime minister, or the other ministers, and the supporting party organizations tend to place limits on ministerial policy, the fact of crown appointment of individual ministers on the nomination of the prime minister alone lends an atmosphere of wide discretion on the part of the ministry in its formulation of policy. Each ministry is said to feel quite free to interpret and apply party ideals as it feels appropriate, but, quite naturally, the prospect of a common fate at election time prevents too wide a gap between proposed government policy and recognized party principles. Hence, the comparison of the ministry with a party committee, though in spite of opposition suspicions and charges to the contrary, Swedish ministries, having to face proportional elections, cannot well be party committees in the narrow sense of carrying out the particular or small-cut interests of any one party. The party and the ministry are obliged to be responsible to the general public for broad policies; and in order to symbolize the broader national outlook professed by the ministry, various slogans have been employed signifying, for example, national ministry, ministry of the entire country, practical government, and common-sense cabinet. Although these expressions often may be looked upon merely as gestures, they nevertheless denote a reality behind the form, and a recognition of the necessity of avoiding petty partisanship.[17] It follows, of course, that the policy of a ministry is not to be gleaned merely from party resolutions, or party-inspired bills in the Riksdag, but primarily from those measures emanating from or supported by the

[16] When Prime Minister Hansson in 1932 referred the name of a person invited to ministerial membership to the party administration, he disclaimed any restraint on his right of selection and expressed his desire merely to sound out party opinion. Håstad, *Partierna*, p. 8. [17] Håstad, *Partierna*, pp. 9–10.

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ministry, from royal decrees or executive orders, and from public utterances of the prime minister and of his colleagues.

The administration is by venerable Swedish constitutional tradition "independent" of the directing power, contradictory as this may sound, and this fact is another modifying influence on any propensity of a ministry to follow a narrow party tack. Departments, at the top, are generally organized on a collegial basis rather than on a line responsibility. Subordinate branches must take general political directions from the top, but not petty interference. It is the function of the bureaus, with regard to policy formation, merely to provide factual and objective information either to the ministry or to the committees of the Riksdag. Of course, ministries, and departments within the administration, vary in the degree to which they see eye to eye with objectives of the dominant party, and tension sometimes occurs between the political ministry and the permanent administration. As elsewhere, the device is not unknown in Sweden of a ministry introducing into the administration some new personnel, when, to be sure, the ministry is sure of its policy position before the country. None the less, no cabinet may wholly ignore the non-political administrative memoranda and factual findings prepared by technical offices, regardless of their degree of harmony with its own policy of the moment.[18]

V. INTEGRATED PARTIES

The formal internal organization of each party within the Riksdag is, of course, a matter of its own choice and arrangement. Nevertheless, among the larger parties considerable uniformity has resulted from competition among parties and from the tendency on the part of weaker parties to imitate a large or successful party. The first permanent parliamentary group of this kind was the older agrarian party (*Lantmannaparti*),[19] which was formed in 1886 and served somewhat as a pattern for the others. The inner circle of the party group is formally established as a council of advisers in which as a body the leader may confide and to which, because of qualities as secondary or prospective leaders, he may look currently

[18] The administrative committee work in relation to policy formation is described in my article, "Separation of Control and Lawmaking in Sweden," in *Political Science Quarterly*, Vol. 55, esp. pp. 224–228 (1940).

[19] This party is now indistinguishable from the *Höger* (the Right), or Conservative party, and not to be confused with *Bondeförbundet*, or the present-day Farmers' party.

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for advice on policy and strategy. This party advisory council is composed of formally elected party officers, who collectively are known as the party presidium or bureau, plus a varying number of party members—all, of course, members of the Riksdag.

The outstanding feature of this party organization is that nowadays both the advisory council and the party conference from which it springs are intercameral in character.[20] Each is a single unit, both in composition and party authority.[21] Although party members in each house have their own conference for purely intracameral matters, the chairman of the party's advisory council is presiding officer of a single caucus or conference of all his party colleagues of both houses—not merely those of his own house, and he may or may not be chairman of the conference in his own house.[22] In the largest

[20] The intercameral, or combined, conference dates first from 1911–12, when the Social Democratic party first won seats in the upper house. The present Farmers' party (*Bondeförbundet*) followed with a combined group in 1918, and the Socialist party in 1921. The Popular party, from its formation in 1934, has had a joint conference. In form, the Conservative party did not adopt the combined conference plan until 1935–36. Previously, this party operated, because of separate origins, as the National party in the upper house and the Agrarian party (*Landmannapartiet*) in the other. Actually, however, the change in 1935 was more in name than in fact, for the two nominal parties had been coöperating practically as a single conservative Riksdag group under the title of General Voters Alliance; and during the 1920's this group was the largest in the Riksdag. Håstad, *Partierna*, pp. 15–16; dates in the annual parliamentary summary, *Lagtima Riksdag* (Stockholm, 1938), pp. 50–51.

[21] The rules of the powerful Social Democratic party call for a full conference at least once a week during a legislative session; others are not so specific. The various parties, nevertheless, customarily hold weekly meetings, called by their advisory councils, on Tuesdays and Fridays in anticipation of action at the plenary sittings of the houses on Wednesdays and Saturdays. It is not uncommon to see notices of the meetings in the Stockholm daily newspapers, particularly for the Social Democrats in their own news organ, *Social-Demokraten*. Full conferences occur, of course, for organization purposes, just before the opening of the annual legislative session, often on the same day, and particularly prior to the election of legislative committees. Advisory council meetings are held as needed, sometimes several meetings on the same day. Thermaenius, *Sveriges Politiska Partier*, pp. 166–167.

[22] In addition to its chairman, the combined conference has a secretary, with perhaps an assistant secretary, one from each house, and a treasurer. The secretary may also be designated as the press representative of the conference. A smaller party may have only a chairman and a secretary. For the larger parties, the additional advisory members who, with the officers, constitute the advisory council, vary in numbers; four, five, and six members may be selected from each house. Substitutes may even be named (as in the Farmers' party in 1938), to act in the absence of the members for whom they are designated as substitutes—a device common to the official Riksdag committees. The names and rank of the party officers and members of the party advisory councils may be obtained for any regular session by reference to *Lagtima Riksdagen*.

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parties, a vice-chairman of the combined conference is chairman of his party in that house. In any case, a vice-chairman of the combined conference serves as party chairman in the parliamentary house of which the combined chairman is not himself a member. The present (1944) prime minister as leader and chairman of the Social Democratic party has retained for himself the chairmanship both of the combined conference and of the larger chamber of which he is a member. The leader of the principal opposition party just before the war,[23] the Conservative party, was chairman of his combined conference, while vice-chairmen served as chairmen of their respective house groups. The chairmen of the combined conference of the larger parties are very likely to be members of the larger chamber, and the prime minister is almost sure to come from that house.

The development of singleness in party headship came with the flowering of party government. Today, leadership in each party is single, within both the Riksdag and the national party. But prior to and for a short period after the turn of the century, Swedish party leadership was collegial in every respect. No one person in the inner circle could under such conditions be considered the real leader, although some one or two members were usually far more influential than the others, even amounting at times to *de facto* single leadership. Swedish Riksdag parties feared for a long time to recognize and give a formal title to any one of these prominent members. They feared dictatorial dominance, expressed as "papal" power, or that the leader might be otherwise unresponsive to the party rank and file and thus prevent other prospective leaders among their colleagues from ever realizing their ambitions. As long as the constitutional set-up was such that ministries were not thoroughly responsible to Riksdag majorities, good ground existed for this fear of a perverted leadership.

Thus motivated, Swedish parliamentary parties during their formative period had no recognized chairmanship. The early A-

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The expenses, such as for getting out party notices, etc., incurred by a Riksdag party group are met by means of an assessment on all members of the group, averaging about thirty crowns (or seven dollars) per member for the regular session. Contrary to the practice of other Riksdag parties (as of 1933 at least), the Farmers' party has employed a paid secretary, so that its assessments are said to be somewhat higher than others. Thermaenius, *Sveriges Politska Partier*, p. 164.

[23] During the period of the war at least, this "opposition" leader was drawn into the *national*, or coalition, ministry.

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grarian party elected a chairman only for the duration of a meeting. The change took place, very naturally, at somewhat different times among the different parties, depending on the relative strength of the foremost personality.[24] In general, however, the transition from rotation, and from the existence of separate leaders in the Riksdag and the electoral party, to a cumulative single leadership for both took place between 1905 and 1912. Undoubtedly, the fact that candidacies for parliamentary places under proportional representation can be effective only when tied to parties sharpened the need for a definite leader. Formally, under various party rules, the Riksdag party leaders are elected for each Riksdag, that is, for the annual legislative session. Internal rivalries may upset singleness temporarily, as happened in 1915 on the death of the Liberal leader, Staaff, when a five-way "delegation" served the party for over two years. Today in all the effective parties rotation as a principle has been abandoned. It is an established practice for the national party congress to elect the party's national chairman and leader, and this election automatically designates the leader of the Riksdag group of that party, because it is the universal presumption that the Riksdag group will respect this selection.[25] Thus the party which expects to provide ministerial leadership, the natural goal of any large party, enjoys a directness of command. The prime minister is leader in the ministry, in the Riksdag, in his own Riksdag party, and in his national party. The strength of democratic internal party leadership in Sweden thus compares fully with that in Great Britain, and is in contrast to the diffused leadership in the United States and in the Third French Republic.[26]

The leader, of course, must depend on trusted assistants. The numerous problems of floor leadership, such as the inability of one person to be present in both chambers at once, the necessity of assuring adequate attendance when important measures are up for vote, the burden of mollifying dissident elements in a party and of promoting general party public relations, have required the establishment of the advisory council as a group of assistants to the leader. The existence, however, of these other party officers and their functions has not meant a division of authority or responsibility, but merely a specialization of function.

[24] The former Liberal leader and prime minister, Karl Staaff, is said to have characterized the common concept then of the functions of a party leader as merely to provide a rallying point, a banner, and a spittoon. Håstad, *Partierna*, p. 23.

[25] *Ibid.*, p. 20. [26] *Ibid.*, pp. 18–19.

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In the sense that the Riksdag party's advisory council is composed of the natural leaders who exercise influence upon the party chairman, and who in an indefinable fashion constitute a hierarchy of party control, the party leadership may still be said to be collegial. The Social Democratic party, representing a large and a more or less homogeneous group in society, seems to have a stronger party organization than the Conservatives, who do not represent a social group so well-defined. The result is that in both parliamentary and campaign debates the Conservatives, when in opposition, are inclined to charge the Social Democratic leadership with dictatorship. The Conservative and the relatively new Popular party, because of representing rather diverse interests, have made at least one concession to rotation of leadership by attempting to alternate in the chairmanship leaders from the urban and from the rural elements of the party. Probably the important factor is the relation which a party has to the ministry. The most prominent party requires a personal union of the different aspects of party leadership in order to assure harmony between party and ministry. Smaller parties not faced with the burden of ministerial responsibility need not be so tightly organized.

Swedish party membership is disciplined. Party life has passed through and proceeded beyond the phase wherein legislative members in any substantial numbers may consider themselves independent and free to flout the program of the party on whose ticket they were elected or to attend one or another party conference on their arrival at the Riksdag. A member finds it advisable under proportional representation to tie himself up definitely with both program and party leadership. The moment a parliamentary election is over, everyone knows not only the relative strength of the parties and the exact numbers of their respective representation in the Riksdag, but knows also, on matters decided upon as elements of a party program, just how many votes can be counted upon when the time comes for final action. One has some assurance also that collateral issues are not likely to be dragged as red herrings across the political course, because those issues have already been considered and have been subordinated to the adopted program. Real independents occasionally are elected, of course, but now are few enough to be negligible in parliamentary operations.[27]

Group loyalty and discipline are surest and least restrictive or

[27] Thermaenius, *Sveriges Politska Partier*, p. 164.

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obtrusive when induced by reasonableness in undivided authority, by regularity of habit, and by direct participation of members in responsible work, rather than by resort to the authoritative and punitive lash. This is exemplified in party behavior in the Swedish Riksdag. Each larger party, as in England, has its whips, but neither the term nor the institution is so acceptable, or so well developed, as in the latter country.[28] Reasonableness in discipline requires that notice be given before action and that pertinent reliable information be made available to the members before they are called upon for decisions. Members in conference work out legislative problems as though they were themselves the parliamentary committee members who would ultimately present measures for decision on the floors of the two houses. They seek factual information and study over detailed methods of expression.

The party conference room tends to be more of a party workshop than a rendezvous for intriguers.[29] Not infrequently the conference resorts to the same device, as is common in the higher policy-forming committees of the Swedish administration, of calling in private experts to aid either in getting independent data, or of obtaining outside interpretation of data already at hand.[30] Members already have before them similar carefully prepared administrative data, and they know the party's general point of view. When time and effort are spent by party members to put fact and principle together, there is much more understanding by ordinary members of the need of compromise than otherwise, and there is less likelihood of their bolting the party platform. The whip is not so necessary as in some other systems, but it must be remembered in this connection that the system of patronage and favors, so destructive of party coherence in the United States, has little place in the Swedish system. Trade and compromise, when they take place, are more likely to be on the basis of the issue itself, and the issue is seldom crossed or clouded by local patronage motives.

The parties vary considerably in the degree to which they may tend to bind their members to vote according to instruction, al-

[28] It is entirely possible that, should Britain adopt proportional representation, the severer aspects of the office of party whip would be considerably modified.

[29] The author has been shown such conference rooms not only in Sweden, but in Finland, Denmark, and Norway also, and has been assured by both parliamentary members and members of the clerical staffs of the houses of the meticulous efforts in party conferences in all of these countries.

[30] Thermaenius, *op. cit.*, p. 168.

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though in general it can be said that faction coercion is practically unknown in the larger parties.[31] The need for binding caucus action is largely obviated because under the electoral system, interdependence of leadership and parliamentary candidates assures a reasonable degree of loyalty to party measures during a member's term.

The Conservatives seldom put a question to a vote in conference, but the Social Democrats have at times gone much further. In 1915, that party inserted in its rules a paragraph dubbed a "gag rule" which so defined the duties of a member as to oblige him to refrain from opposing on the floor of his house any measure upon which a line of action had been resolved in caucus, and to vote in accord with the party resolution unless his conscience or conviction prevented. The exception, both in word and spirit, was in deference to the constitutional provision that members are not to be bound by rules other than those in the constitution. While the practice was never so rigid as this rule seemed to indicate, and although the rule itself was rescinded in 1919, the Social Democrats nevertheless take votes in conference whenever an item on the agenda warrants it, and may even make it a roll-call with results entered in the minutes. Other parties are not so obviously inclined to lay this moral duty on their members, although on occasion they expect loyalty. When defection from a strong conference resolution occurs, a split is probably taking place within the party and will be reflected in the next election campaign. In such a case, it is possible for a dissident element to develop into a new party, or for it to force a shift in party leadership. One or two whips are designated by each of the parties primarily to see that members are on hand to vote when needed or that they have arranged when absent to be paired with some member of the opposite group.

VI. SIGNIFICANCE FOR OTHER COUNTRIES

Definiteness of leadership has channeled the flow of parliamentary work and sharpened debate. Members of the Swedish houses of parliament are not limited in the introduction of measures as are British parliamentary members. Except for a time limit on introduction, they are as free in this respect as the members of the

[31] Historical investigation of this question would be very difficult because voting was secret prior to 1925. Compare Thermaenius, *op. cit.* pp. 177–179, with Håstad, *Partier*, pp. 41–52.

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United States Congress. But the relative numbers of measures introduced and the effects on debate are quite different. The majority party, or at least the larger party of a majority group, concentrates its attention almost entirely, much as in England, on the measures introduced by the ministry, because such measures are, if passed, the means of implementing its own party program. Non-ministerial members of this majority group are not prevented from introducing their own measures or resolutions. There simply is no point to their doing it, however, unless they are among a dissatisfied element on the fringe of the party. Occasionally a dissident member may seek this means of making his views felt by his colleagues. Sometimes also one of these members, or any one of his more loyal colleagues, may have the tacit approval of the party leadership for introduction of a resolution merely as a trial balloon which the leadership may support or reject according to the warmth of its reception. Debate by the major party on the floor and in committee tends to concentrate attention on the merits of an important measure rather than on the measures introduced as tactical devices to gain or maintain power. Members of the minority parties find greater use for the right to introduce bills and resolutions; but the majority, having the numbers when it comes time to vote and desiring to keep its program intact, obliges the opposition to speak to the merits. Moreover, the majority, being reasonably sure of itself, can afford, and does afford, to permit the time-table of deliberation and debate to be planned by the speaker's conference, composed of various party leaders and committee chairmen, in a more or less nonpartisan and objective atmosphere.

Debate time in all modern legislatures is short. Swedish rules of procedure on deliberation have changed very little with the development of party dominance except for the sessional time-limit on the introduction of new measures. Only if a resolution is linked to a particular bill introduced earlier by the ministry may it be introduced by a private member after the first twelve days of the regular session. The ministry, however, may introduce its measures at any time during the first sixty days, and thus the majority group has a distinct advantage over the other parties. The remedy for abuse of this power lies with the voters, who can make their wishes unmistakably clear, since small election shifts give significant warnings without disastrous upsets.

The number of motions or resolutions introduced in the two

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houses has greatly increased with the expansion of party activity. While the number of measures introduced by the ministry has gradually risen with the growth of public business by from sixty to seventy per cent since 1915, the number of additional motions introduced in the two houses has doubled, trebled, and nearly quadrupled—varying with the proximity of a parliamentary election. Since interpellations and government answers, according to the rules, may not be debated and may not provoke a vote of confidence or lack of confidence, the number of interpellations, while increasing, has remained relatively small.[32] Interpellation, nevertheless, though not a device for overturning a ministry, has been a rather effective control weapon against the ministry because of the opportunity thus given in and out of parliament for expressions on policy.

The question may legitimately be posed as to what lesson, if any, American, British, or French jurisdictions, among others, might learn from Swedish experience. Assuming party government and leadership to be essential in popular, representative government, what does Sweden have that some other professed democracies lack? The answer can be given in a few broad strokes. The direct line of responsibility from the executive (ministry) through the legislature to the voters in Sweden cuts through the clumsy constitutional remnants of separation of powers and checks and balances by means of occasional parliamentary joint votes on financial measures and by joint committees and intercameral party caucuses. The whole structure, operated by political parties, is made responsible and responsive to the voters through proportional representation instead of single-member district and so-called majority elections. The representative legislature is in control, and the cabinet leads but cannot dictate. The proportional voting base, while serving working-class interests through the strength of numbers in the Social Democratic party, has permitted the steadying presence of minority, but economically powerful, interests. Symbolical or fictitious "majority government" has not been essential to strong leadership and dependable government, nor have multiple-party systems *per se* been inimical to strong popular government.

[32] A description of the institution and a tabular presentation of the number of interpellations from 1867 to 1937, by the chamber in which introduced and the outcome of each, is given by Axel Brusewitz in *Statsrådets Ansvarighet* (1938), Vol. 15 in *Sveriges Riksdag*, pp. 479–533. A comparative historical table is also published annually in *Lagtima Riksdagen*.

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AMERICAN GOVERNMENT AND POLITICS

GEORGIA'S PROPOSED NEW CONSTITUTION

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Fully as interesting as the provisions of the proposed new constitution that will be submitted to the voters of Georgia at a special election on August 7, 1945, is the method by which the document was framed. The constitution of the state now in force, adopted in 1877 soon after the state was freed from carpet-bag rule, is a long and complicated document, filled with detailed limitations on the government, particularly in the field of finance. As a result of the inclusion of numerous provisions statutory in nature, the document has been amended three hundred and one times in a period of sixty-eight years. Recognizing the need for a new constitution, the Institute of Public Affairs of the University of Georgia drew up *A Proposed Constitution for Georgia*[1] in 1931. This document proposed a thorough revision of the structure of the government, including such radical changes as the substitution of 30 districts for the existing 161 counties as the basis of representation in the General Assembly. The widespread publicity given the document served to stimulate interest in constitutional revision, and most of the press of the state, notably the *Atlanta Journal*, has in recent years actively supported the movement.

In March, 1943, the General Assembly passed a resolution, sponsored by Governor Ellis Arnall, providing for a commission of twenty-three members to revise the constitution. The commission was to be composed of the governor, the president of the senate, the speaker of the house of representatives, three members of the senate appointed by the president, five members of the house appointed by the speaker, a justice of the supreme court designated by the court, a judge of the court of appeals designated by the court, the attorney general, the state auditor, two judges of the superior courts, three practicing attorneys-at-law, and three laymen to be appointed by the governor. The resolution provided that the report of this commission should be submitted to the General Assembly either in the form of proposed amendments to the constitution or as a proposed new constitution, to be acted upon by the General Assembly and submitted to the people for ratification or rejection.

There were two principal arguments in favor of the use of an appointed commission instead of an elected convention. In the first place, the existing constitution requires a two-thirds vote of the total membership of both houses of the General Assembly to call a constitutional convention, and specifies that representation in such a convention shall be based on

[1] *Bulletin of the University of Georgia*, Vol. XXXII (Jan., 1932), No. 4.

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population. Rural districts now have a predominant voice in the General Assembly, and fear of an attempt to reapportion representation has defeated previous attempts to call a convention. Since the work of the proposed commission would be submitted directly to the General Assembly and subject to revision before submission to the people, the resolution creating it met with approval whereas a resolution calling a convention would probably have failed. Secondly, the preamble of the resolution authorizing the commission expressed the view that a revision of the constitution could be made "more satisfactorily by a small Commission . . . than through a Constitutional Convention."[2] A criticism that has been advanced against the use of the appointed commission is that this method gives the incumbent administration too great an influence in shaping the fundamental law. Governor Arnall himself served as chairman of the commission, and appointed eight of the other members; yet it should be noted that none of the *ex officio* members (the attorney general, state auditor, etc.) were appointed to their office by the governor.[3]

As chairman, Governor Arnall divided the members of the commission into seven subcommittees, composed of seven members each, to make preliminary studies of designated articles of the constitution. He also designated the chairmen of these subcommittees. Most of the subcommittees did a considerable amount of work, involving public hearings in some cases, before the first meeting of the full commission in the supreme court room of the State Capitol on January 6, 1944.[4] Prior to the second meeting of the full commission, April 10–13, all of the subcommittees filed written reports with the governor, and these served as the basis of discussion as the commission proceeded to a consideration of the constitution, article by article. A portion of the time of the April meeting was devoted to public hearings. Representatives of the Georgia Bar Association, the American Legion, the State Banking Association, the Petroleum Institute, the Temperance League, and other organized groups, and a few

[2] *Georgia Laws, 1943*, p. 1680.

[3] The justices of the supreme court, the judges of the court of appeals, and the attorney general are elected by popular vote in Georgia. The state auditor is elected by the General Assembly.

A commission to revise the constitution of New Jersey in 1941 consisted of eight members, two appointed by the governor, two appointed by the president of the senate, two appointed by the speaker of the house, and two elected by the appointed members. *Report of the Commission on Revision of the New Jersey Constitution* (Trenton, 1942), p. 3.

[4] *Proceedings of the Meeting of Constitutional Revision Committee, Supreme Court Room, State Capitol, Atlanta, Georgia, January 6, 1944.* A full record of these meetings, a total of 1,746 typed pages, was made by J. H. Druggan, Jr., and Associates, Court and Convention Reporters, Volunteer Building, Atlanta, Georgia. This record is now available to the public at the State Library (State Capitol, Atlanta), and will probably be published.

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individuals acting in a private capacity, spoke before the commission. Upon invitation of Governor Arnall, Hatton W. Sumners, chairman of the Judiciary Committee of the United States House of Representatives, Frank Bane, executive director of the Council of State Governments, and Professors W. Brooke Graves and Walter F. Dodd visited a meeting of the commission in April in order to become acquainted with the locale and method of procedure, so that they might later furnish expert advice.[5] Most of the members of the commission were businessmen who made a personal sacrifice to be present at the State Capitol, and the total number of days that the commission was in session was only fourteen. The only woman on the commission was Mrs. Leonard Haas, a former president of the League of Women Voters of Georgia. At its last meeting, on December 9, the commission appointed the governor, the president of the senate, and the speaker of the house as a committee on final revision. As revised by this committee, the constitution was printed and submitted to the General Assembly in January, 1945.

After extensive study and a number of revisions, the General Assembly approved the proposed new constitution and submitted it to the people for ratification or rejection.[6] The commission itself had been equally divided on the question of eliminating the constitutional ban against a second successive term for the governor. Governor Arnall, as chairman, broke the tie by voting to eliminate the ban, but the General Assembly reversed the commission's action on this controversial issue.

In form and organization, the proposed constitution is in some respects an improvement upon the existing one, but it falls far short of the expectations of those who had hoped for a thorough revision. The document proposed by the commission was 87 pages long; as revised by the General Assembly, it became 92 pages long, abounding in statutory and nonessential provisions. Speaking before an early meeting of the commission, Governor Arnall said: "I am willing to sacrifice simplicity in order to carry forward the finished document to the people . . . . At times, for expediency's sake, we must sacrifice some of the things we would like to do in order to put through the constitution. Government is a system of compromises."[7]

The principal changes made by the proposed new constitution are as follows:

Bill of Rights. The paragraph prohibiting the revocation of special privileges or immunities was replaced by the sentence: "All exemptions from taxation heretofore granted in corporate charters are declared to be

[5] *Proceedings*, of April, *loc. cit.*, p. 7.

[6] Copies of this constitution can be obtained without cost from Mr. P. T. McCutcheon, clerk of the house of representatives, State Capitol, Atlanta, Georgia.

[7] *Proceedings*, of April, *loc. cit.*, pp. 76–78.

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henceforth null and void." This action, directed particularly at the tax exemption of the Georgia Railroad, is likely to be contested in the courts.

Elective Franchise. Two years ago, the age qualification for voting was lowered to eighteen in Georgia. This teen-age vote is continued. In an effort to overcome the objections raised by the Supreme Court in Smith v. Allwright[8] to the exclusion of Negroes from primaries, all references to primaries are eliminated. Several obsolete clauses, including the "grandfather clause," are eliminated also.[9]

Legislature. The number of senators is increased from 52 to 54, thus bringing the total membership of the General Assembly to 259! The prohibition against the appointment of a senator or representative to any office having an emolument is modified by the clause, "unless he shall first resign his seat, provided, however, that during the term for which he was elected no senator or representative shall be appointed to any civil office which has been created during such term." Special sessions of the General Assembly are limited to seventy days. The *per diem* compensation of members is increased to fifteen dollars, and the limitations on the clerical expenses of the General Assembly are abolished. The provision for advertising local legislation in the community affected before it is introduced in the General Assembly is strengthened, and a safeguard is added against legislation ousting elected local officials before the expiration of their terms.

Executive. The office of lieutenant-governor is created. Following a trend started in 1943, when five state boards (Board of Regents of the University System, Board of Education, Public Service Commission, Board of Pardons and Paroles, and the Game and Fish Commission) were made constitutional offices, three new boards, a Veterans Service Board, a Board of Corrections (for the administration of prisons), and a State Personnel Board, are incorporated in the constitution. The members of all three of these new boards are to be appointed by the governor, with terms staggered in such a way as to give continuity to their personnel.

Judiciary. The number of justices on the supreme court is increased from six to seven, and the court is required to sit as a body rather than in two divisions as hitherto. The requirement of a concurrent verdict of two juries for granting a divorce is abolished. The annual salary of judges of the supreme court, court of appeals, and superior courts is raised by $1,000.[10]

[8] 321 U. S. 649.

[9] Payment of a poll tax as a requirement for voting, a statutory provision never incorporated in the constitution, was abolished by the General Assembly in March, 1945.

[10] While the proposed constitution includes the salaries of most of the state officers, the General Assembly is authorized to change the salary of all elected

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Finance and Miscellaneous. Article VII of the constitution of 1877, entitled "Finance, Taxation, and Public Debt," has been amended 188 times, but not more than fifteen per cent of these amendments have been of general interest, the greater number of them being applicable to a single city or county. The paragraph limiting the debt of a county, city, or other political division of the state to seven per cent of the assessed value of its taxable property has alone been amended 135 times. The proposed new constitution authorizes cities and counties to incur debts of three per cent of the assessed value of their taxable property in addition to the previous seven per cent debt limit, but this additional debt must be repaid within a period of five years.

All taxes for state purposes are to be paid into the general fund of the state treasury, and appropriations for departments and agencies are to be made in specific sums of money, "and no appropriation shall allocate to any object the proceeds of any particular tax or fund or a part or percentage thereof." To avoid the complications that have arisen in recent years by the adjournment of the General Assembly before the passage of a general appropriation act, the new constitution provides that "each General Appropriation Act, with such amendments as are adopted from time to time, shall continue in force and effect for each fiscal year thereafter until repealed or another General Appropriation Act is adopted."

A new article is entitled "Home Rule." As submitted to the General Assembly by the commission, this article extended a broad power of legislation in matters of local concern to counties and cities, but under a complicated system of popular initiative and referendum. The General Assembly struck out most of the provisions of this article, and as it appears in the constitution now before the people, the home rule article simply stipulates that the "General Assembly shall provide for uniform systems of county and municipal government, and provide for optional plans of both, and shall provide for systems of initiative, referendum, and recall in some of the plans for both county and municipal governments."

Another new article, entitled "Merit System," provides for a non-salaried state personnel board of three members "to administer a state merit system under which state personnel shall be selected on a basis of merit, fitness, and efficiency according to law."

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officials. The judges of all of the courts in Georgia, except commissioned notaries public, are elected by popular vote.

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FOREIGN GOVERNMENT AND POLITICS

THE RÔLE OF THE PUBLIC IN A NEW GERMANY

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In recent discussions of the German problem there seems to be a growing superficiality and confusion that is greatly to be deplored. Sensational articles, and even books, on the subject are having a deep influence on American and British opinion. We badly need more informed discussions of basic parts of the German problem if we are to avoid serious mistakes in the postwar world. Although definitive answers cannot always be given in the political field, it is nevertheless incumbent upon everyone who has studied, both in the ivory tower and in the field, to offer as much light and leading within the spheres of his competence as time and strength will permit.

At this time, I think it is important to call attention to an aspect of the German problem which must not be overlooked after the war either by the occupying powers or by the German people. Since it is primarily a long-run problem, and not merely a problem of occupation, the German people will have to solve it in the final analysis. Furthermore, since I do not belong to the school of gloomy haters who envisage an indefinite oppression and control of the German people, I prefer to base a program of governmental and political regeneration for Germany on the assumption that the tragic and bitter experience of the Germans under Hitler will lead to a revival of those features of civilized, democratic society which are so essential to the proper functioning of both national and international government. I believe that the rule of law will be reëstablished in Germany, that the important place of the family will be restored, and that the individual will once more be given a dignified position in German life. I do not believe in a counsel of despair.

Only if one follows this somewhat optimistic line can one feel justified in taking the time to give attention to the resurrection of democracy in Germany and to devising the mechanisms of popular rule. Nevertheless, it must not be forgotten that even in a society such as the Weimar democracy certainly was, where most of the required conditions of democratic society were recognized and operative, the hated Nazi dictatorship still developed. In other words, something went wrong which resulted in tipping overboard the whole structure of democratic society.

Various explanations have been given—economic, social, and political. Dr. Arnold Brecht, with an experienced and scholarly hand, has recently explained how "the sliding revolution under legalistic guise" was too much for the German bureaucrats.[1] Dr. Sollmann feels that the free labor move-

[1] Arnold Brecht, *Prelude to Silence* (New York, 1944).

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ment in Germany "with highly civilized methods, humanitarian and nonviolent," could not be expected to change its character in a day in the face of a rising barbarism.[2] Paul Einzig thinks that German industry was to blame.[3] Dr. Hermens ascribes the responsibility to proportional representation.[4]

There is some truth in all of these analyses, and they help us in proposing a new régime for postwar Germany. Structural deficiencies in the Weimar Republic there certainly were, and more attention needs to be given to them. For instance, why was the so-called *Überwachungsausschuss* of the Reichstag, set up under Article 35 of the Weimar Constitution "for the protection of the rights of the representatives of the people against the National Cabinet," so ineffective? How can one safeguard the power of dissolution so as not to bring discredit upon the election process? What was faulty in the procedure of the Reichstag which militated against its becoming a real instrument of popular control? Did the utilization of expert advice in the committees of the Reichstag as well as in the membership of the Reichsrat overload the bureaucratic influence in government? These are all aspects of the German failure to establish an effective political democracy.

But some things are more fundamental than others, and in my opinion we in political science have too long neglected the many basic problems connected with the securing of consent in a democracy and of establishing effective means of popular control. As we study the problem of a future government for Germany, we should give special attention to the rôle of the public and not take so much for granted as the Germans appear to have done under the Weimar Constitution. The rôle of the public in a new Germany must be carefully studied and adequately provided for.[5]

After the last war, the Germans had a real chance to build a new kind of democracy, and it was not beyond the capacity of the German genius to do this. Admitting that the Germans were in some respects formless and inchoate, "aimlessly chasing around in the dark," as Arthur Feiler once put it,[6] they still had an opportunity through self-renewal to provide for a genuine expression of the popular will, and then to see to it that that will was followed. But, as Edgar Ansel Mowrer stated it so penetratingly

[2] See this REVIEW, Vol. 38, p. 1007.

[3] See *Economic Journal*, Vol. 52, pp. 176–185.

[4] F. A. Hermens, *Democracy or Anarchy?* (Notre Dame, 1941).

[5] It is interesting to note that German scholars and publicists did not seem to be much interested in the subject of public opinion during the Weimar period. Two German studies, however, are worthy of mention: Wilhelm Bauer, *Die öffentliche Meinung in der Weltgeschichte* (Potsdam, 1930), and Ferdinand Tönnies, *Kritik der öffentlichen Meinung* (Berlin, 1922).

[6] See "The Tragedy of the German Revolution," in *Frankfurter Zeitung*, Nov., 1920.

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in the midst of the 1933 crisis: "To build a modern nation requires first of all a modern citizen," and the Germans proved themselves to be unequal to the task.[7] The Weimar Republic offered little which could not conceivably have been reached under a modified monarchy.

Perhaps more important, the Germans did not realistically face the responsibilities of defeat, and they seemed unable to accept any truth which was incompatible with their national self-esteem.[8] They yielded to a strong government and rationalized constraints on their liberties. Unfortunately, to quote Edgar Mowrer again: "A procession of professors, the sort that Croce called 'the German substitute for statesmen,' had filled the popular mind with a noxious breed of fancies, myths, and desire symbols—'absolute state,' 'Germanic mission,' 'Aryan supremacy,' 'creative function of war,' etc."[9] Thus the Prussian conception of society was not eliminated, even though the trappings of parliamentary democracy were embodied in the Constitution. Popular control was sacrificed to administrative efficiency. Strong distrust of the people further strengthened executive power.

The provisions of the Weimar Constitution, to be sure, appeared to recognize the primary rôle of the public. An exceptionally liberal franchise permitted both men and women 20 years of age and upwards to vote. The multi-party situation seemed to require proportional representation if adequate representation of all the main streams of opinion was to be achieved, and Germany became the country which made the most of P. R. in all of its elections to public office. The institutions of the initiative and referendum were also made available to the people, and an elaborate party system developed. The German people voted often for local, provincial, state, and national legislative bodies, and they also elected the National President by direct vote.

One would have thought that several of these popular controls could have been utilized to prevent the establishment of a dictatorship. Unfortunately, however, the German electorate seems not to have been sufficiently politically-minded or experienced to understand its power or to utilize existing instruments of control. The "sliding revolution" was too much for them. "Freiheit und Brot" became the cry, with its peculiar German definition of *Freiheit,* and no one rose to exclaim, "Give me liberty or give me death!"

The Germans permitted President von Hindenburg and Chancellor von Papen to make a farce out of popular elections, and their representatives in the Reichstag became mere puppets running back and forth but never serving as the guardians of basic constitutional liberties. Democracy

[7] Edgar Ansel Mowrer, *Germany Puts the Clock Back* (New York, 1933), p. 319.
[8] See James T. Shotwell, *What Germany Forgot.*
[9] Mowrer, *Germany Puts the Clock Back,* pp. 319–320.

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did not appear to satisfy the Germans completely; nor did it provide them with the means they seemed to require in order to remain masters of their own government.

The Germans had the initiative and referendum in national, state, and local affairs, and occasionally they used these instruments of direct popular government.[10] But they found their particular type of initiative and referendum too difficult and restrictive. And although they were aware of its defects, they did not reform it. In a multi-party situation with many cross currents militating against a straight "yes" or "no" answer, it would seem that the initiative and referendum might have been useful instruments for securing a genuine popular expression of opinion on basic problems. Unfortunately, they were allowed to atrophy. It was easier to let the bureaucrats smooth things out and thus avoid direct clashes of opinion in special elections.

Quite naturally perhaps, but nevertheless with great danger to the developing democratic process, the Germans relied too much on their trained officials to help them decide questions of policy. The position of the trained civil servant was too unassailable. The M. d. R. was ridiculed. The Ministerialrat Dr.— was glorified. The representative of the people was less important than the bureaucrat, and the bureaucrat always seemed to be interested in short-circuiting or trammeling the elected official who "smelled of the people." Moreover, the training of civil servants under the Republic did not inculcate proper respect for the people, and the large number of relatively low voltage parliamentarians who became ministers did not give the trained civil servants much competition in the struggle for power.

A few German politicians saw in clear perspective the problem of the relationship between the civil servant and the politician. One far-seeing and very able politician, scenting the danger of bureaucratic domination, told me very seriously in a frank moment at a *Bierabend* that if he ever became a minister he would remove or transfer the *Staatssekretär* of the ministry and one or two of its key subordinates, and thus establish his own power and give warning that he was going to be boss. But this man never became a minister! When the crisis of 1932 came, popular controls were atrophied from non-use, popular government was pictured as quarrelsome and stupid, and the people abdicated.

I like the suggestion Marshall Dimock has made in another connection because it has application to the German civil service. "If bureaucracy," he wrote, "is not to have a monopoly of all positions, including policy

[10] See Georg Kaisenberg, *Volksentscheid und Volksbegehren;* Richard Thoma, *Journal of Comparative Legislation and International Law*, Vol. 10, pp. 55–73; Roger Wells, *National Municipal Review*, Vol. 18, pp. 29–36; and *Handbuch des deutschen Staatsrecht*, Vol. 2, pp. 204–220.

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positions, the logical alternative is to increase the influence of the policy officials *vis-à-vis* the career officials; and this obviously requires a larger number of them in strategic positions."[11] In the German bureaucratic set-up, this would mean the politicizing of many important administrative positions up and down the ladder. But this remedy is needed in order to leaven the civil service and to shake it up. Where the people are expected to rule, too much security for officials may be even worse than too little, and when the people of a democracy acquire the comfortable feeling of sitting back and letting their officials make important policy decisions for them, serious consequences may ensue. No bureaucratic system should be so powerful that it is unassailable and unable to be dislodged in a crisis situation. The supremacy of the people and their chosen representatives needs to be effectively established in every democratic system.

Looking forward to a new Germany after the war, it seems clear therefore that bureaucratic control must be weakened if popular control is to be established. It may be objected that any institution so deeply embedded in German life cannot be altered fundamentally. But it should not be forgotten that after this war the United Nations will be in military occupation for a period of years. A thorough purging of the German civil service has now been ordered by the Allied commander-in-chief, General Eisenhower. Hence a second "purification" of the German bureaucratic staffs will have occurred in the short space of twelve years.[12] Such a disruption and disorganization of one of the pillars of the German state is bound to weaken the hold of the civil service on the German people. Consequently, the German people have a better chance after this war than they had after World War I of doing a thoroughgoing job of enthroning the people, and of subordinating all forces and influences, especially the bureaucratic, which have been hitherto dominant. No halting compromise which deals ineffectively with what the late Professor Max Handman one time referred to as "the bureaucratic culture pattern" should be permitted after this war to defeat the establishment of genuine popular government.[13] It is not an elimination, but rather a fundamental alteration, in the status and position of the bureaucracy that appears to be necessary.

In this same connection, sight should not be lost of the effect the highly centralized administrative system in Germany has had in entrenching and strengthening the bureaucracy. Professor Handman has explained the process with great clarity and penetration as follows: "The technique to which he [the bureaucrat] resorts is that of the centralized system of

[11] *Public Administration Review*, Vol. 4, No. 3, p. 205.

[12] I have suggested a procedure for this in *Current History*, Vol. 6, pp. 304–310 (Apr., 1944).

[13] *American Sociological Review*, Vol. 39, pp. 301–313.

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administration where the local community plays a very subordinate rôle, if it plays any rôle at all, because the purpose of administration is not the well-being of the local community but that of the larger national community." And again he wrote: "Centralized administration of government is an absolute essential of a bureaucratic régime, and because of this centralization the range of bureaucratic activity is widely extended, and its sinews are strengthened and increased."[14]

Under Hitler, centralization of political and administrative controls have been carried very far, and the bureaucrat, loyal to the party, has had a field day. Consequently the people have been utterly excluded from any effective control over the processes of government, and almost from any direct participation in it. The elimination of the German states as separate political entities, the establishment of a universal national civil service, the tightening of national control at the intermediate level through the creation of *Reichsstatthalter* and through the strengthening of the position of the Prussian *Oberpräsidenten*, as well as the merging of these offices with those of the party *Gauleiter*—all of these changes and more like them have produced a greater centralization than Germany has ever known. If this highly centralized administrative apparatus should be continued under our military occupation, one may well expect the dominance of the German bureaucracy, with the consequent weakness and subservience of the people to it.

Thus it would seem to be a *sine qua non* of German democratic and popular reconstruction to decentralize, and thus to make possible a revival or creation of workable areas of regional and local self-government. As a great German scholar, Professor Albrecht Mendelssohn-Bartholdy, put it before the war: "Instead of centralization, metropolitanism, and uniformity, the dominant rule for the association of human beings must again become regionalism, a frank recognition of natural differences, and a mutual respect among honest men professing different opinions."[15]

I have suggested in another place that it is entirely proper and feasible for the occupying powers to set up areas of administration within the country which will assure, or at least make possible, the coöperation of the population and the effective handling of the administrative problems involved.[16] Since Germany, even in modern times, has never been logically divided for political or administrative purposes, it is now possible for the great powers to demonstrate their wisdom and international statesmanship by creating a pattern of occupation for Germany which, with such alterations as experience dictates, would be well calculated to

[14] *Ibid.*, pp. 304–305.

[15] A. Mendelssohn-Bartholdy, *War and German Society* (New Haven, 1937), p. 294.

[16] See this REVIEW, Vol. 38, pp. 970–975.

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serve as the territorial foundation for a new German government. Arnold Wolfers reminds me that Napoleon had a good deal to do with fixing the boundaries of some of the Swiss cantons during the period of the Helvetic Republic and the Act of Mediation, and that these boundaries have persisted down to the present time. In Germany, too, Napoleon made a contribution toward the simplification of political areas and boundaries, although he did not promote self-government as I assume we are now committed to do.

The point here is that Germany must be politically and administratively decentralized if the people are to have a chance of controlling their own affairs. Strong regional governments, set up in natural and workable areas, could give effect to the slogan "Los von Berlin"; at the same time, they could promote local self-government. Through an upper house similar to the Swiss Council of States, such regions, or *Reichsländer*, as they were called during the Republic when the question of federal reform was broached, could wield a balancing and corrective influence over national affairs.

Finally, before dropping our treatment of the bureaucratic menace in Germany, it is well to point out briefly that German political parties under the Republic were also afflicted with a bureaucratic disease.[17] So strong were the party bureaucrats, even in the parties of the Left and the Center, that one would not be speaking accurately if he referred to control by the rank and file of the party voters. Some democratic procedures were followed, particularly in the great Social Democratic party; but, by and large, the regular party members deferred to their party bureaucrats, and the German system of proportional representation, with its strictly binding lists, promoted this control by the insiders rather than by the rank and file. This is the point at which critics of P. R. in Germany should direct their fire rather than at the principle of proportional representation itself.[18] But to conclude this point—it seems very clear that as political parties are revived in Germany, particular attention will have to be given to developing them into more representative and responsible organs of democratic self-expression.

In addition to weakening bureaucratic control in order to establish popular control, we also need to bring under effective regulation another dominant influence in German affairs, namely, big business.[19] Unless the

[17] See my evaluation of "The German Party System," in this REVIEW, Vol. 23, pp. 859–891.

[18] See the author's *German Election Administration* (Columbia University Press, 1934), pp. 51–65, for a treatment of the German P. R. system.

[19] It is not possible to deal in this article with the necessity of establishing civilian control over whatever army Germany is permitted to maintain. The Weimar Republic failed completely in this respect. Presumably a small citizen army based on short-term obligatory service, similar to Foch's recommendations which the Ver-

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Germans are able to subordinate the powerful economic forces which contributed so much to their undoing, and unless they can assure the operation of these businesses in the public interest, there is little hope either for an improvement in the German internal situation or for the elimination of international cartels which are so dangerous to the peace of the world. As the recent Kilgore report has put it: "We must insure that in the defeat of Germany the economic forces of aggression will be forever eliminated along with the military forces."[20]

Unfortunately, the establishment of a republican constitution in Germany after World War I did not alter the structure and control of German industry. Although Germany was defeated and disarmed, her industries were concentrated to a high degree, and nothing was done to impair their dominant positions in the German economy. Thanks to the loans which German industry secured abroad, huge consolidations took place, and business monopolies, both in the domestic and international fields, grew apace. The German government was persuaded to assist big business "with subsidies and indemnities at the expense of the rest of the population."[21] Finally, after aiding the seizure of power by Adolf Hitler, the German cartelists began to reach into the economy of other nations, including the United States, and to undermine international resistance to Nazi rule.

It is therefore indispensable, both to the success of democracy in Germany, and to the peace of the world, that German industrial as well as German political and military leadership be eliminated, or at least brought under effective popular control. To quote again from the Kilgore report: "To crush German imperialism permanently and thus permit a peaceful and democratic Germany to arise, the structure and control of German industry must be so altered that it cannot serve again the purposes of war. This is as fundamental as military occupation and political change. . . . Punishment of 10,000 of the leading imperialist-minded German industrialists will be more effective than punishment of 1,000,000 Nazi underlings who carried out the orders of the conspirators."[22]

During the period of military occupation, it will be desirable for the occupying powers to create an international authority to control at least the important parts of German industry. But eventually the Germans themselves must devise internal controls which will be effective in preventing large business interests from unduly affecting the personnel or

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sailles Conference rejected, would prove less dangerous than the professional army which was created after the last war under the requirements of the Versailles Treaty.

[20] Senate Committee on Military Affairs, Subcommittee on War Mobilization, Subcommittee Report No. 4, 78th Cong., 2nd Sess., p. 2.

[21] *Ibid.*, p. 5.

[22] *Ibid.*, p. 8.

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policies of the German government. The framers of the Weimar Constitution were aware of this problem, and they provided in Article 165 for a *Reichswirtschaftsrat.* This institution unfortunately was not a success.[23] After World War II, the Germans will have to devise better means for neutralizing plutocratic influences and for controlling the economic forces which in an urban industrialized country will inevitably be a potent factor in political life. This is not a unique German problem. But inasmuch as the aggressive power of German big business has now for the second time brought war to the world and defeat and suffering to the German people, it should be obvious that any new German government will have to pay particular attention to keeping the springs of public policy free from poisonous business influences.

As I have pointed out recently: "The German people may want to place the means of production under national ownership in order to make possible a real control of their own economic life."[24] This is what is occurring at present in France. Dr. Sollmann, one of the few wise and level-headed leaders of Weimar democracy who survive, has proposed that the technical and commercial executives who were in disgrace with the dictatorship take the place of the old leading executives in the operation of German industry.[25]

No one has yet come to grips with the purely political problem involved in the state control of German industry, although Arthur W. Macmahon has given us an admirable treatment of the German railways and the political and administrative problems involved therein.[26] I can only suggest here that the technical and business problems connected with the reorganization of German industry are relatively easy when compared to the political problems of parliamentary and popular control, political influence or exploitation, and intergroup pressures. I venture the opinion that it will take more than Marxian theory and German romanticism to bring about a genuinely democratic solution.

I have avoided in this discussion more than the briefest reference to any particular set of popular devices or structures, because I believe that what the Germans do with their new institutions is the most important problem. They had, as I have indicated, all of the trappings of a liberal democracy during the Weimar period, and still they failed in the crisis of 1932–33. They may, of course, fail again. But I am ready to take

[23] C. Hauschild, *Der Vorlaüfige Reichswirtschaftsrat* (Berlin, 1926).

[24] See my brochure *What Shall Be Done With Germany* (Carleton College, 1944), p. 43.

[25] F. W. Sollmann, "How To Deal With Germany," *World Affairs,* Vol. 105, No. 2, pp. 82–86.

[26] See *Political Science Quarterly,* Vol. 54, No. 4; Vol. 55, Nos. 1 and 2 (Dec. 1939–June, 1940).

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another chance after this war: first, because I think it is a good chance this time; and second, because I believe we are determined to keep our guard up just in case the Germans should desire to revert to aggressive nationalism and totalitarian rule.

I do, however, want to emphasize that a new German democracy should be the genuine article, and that it will not be the genuine article unless it pays particular attention to securing popular consent and to establishing popular control. As the London *Economist,* in its Centenary Number, has put it: "Democracy in the twentieth century needs fire in its belly; it is an internal combustion engine that cannot run on one cylinder only." Applied to Germany, this means that a one-cylinder bureaucratic system will not produce the right results. The German citizen must be placed in a stronger position where he, and not others, will be the master in his own country.

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INTERNATIONAL AFFAIRS

UNCONDITIONAL SURRENDER AND A UNILATERAL DECLARATION OF PEACE*

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On January 24, 1943, the last day of the conference at Casablanca, the President of the United States, in a press conference, referred to the sessions as the "Unconditional Surrender" Conference. The official statement on the Crimea Conference of February 11, 1945, reiterated the formula of unconditional surrender as the only one acceptable to the Allies by pointing to "the unconditional surrender terms which we shall impose together on Nazi Germany after German armed resistance has been finally crushed." This statement gave rise to the objection that the very concept of "unconditional" obviously excludes terms of any kind. The most recent comment on the subject, in President Roosevelt's address to Congress on March 1, 1945, was apparently not intended to give a definition of "unconditional surrender," but rather an enumeration of the policies to be followed in dealing with Germany, once "the German people, as well as the German soldier," have given up and surrendered. Thus an official interpretation of the formula is still lacking. The following analysis attempts to clarify the meaning of unconditional surrender, and its factual and juristic-political implications.

"Unconditional surrender" is not unknown to international law. According to common usage, "surrender" is the subject of a capitulation, which—like cartels, armistice, or suspension of hostilities—belongs to those agreements between belligerents which not only do not terminate a war, but which indeed presuppose the continuation of a state of war. So understood, "surrender" may be defined as a factual giving up by a military commander to the enemy of a fortified place, a besieged city, or part or all of the armed forces. The capitulation, which—in contrast to surrender—is a juristic act, may stipulate conditional or unconditional surrender.[1] In the past, conditions have been of various kinds, often influenced by prevailing concepts of military honor. In the case of uncon-

* This article was completed some weeks prior to the German surrender. Its author, an Austrian soon to become a citizen of the United States, was, before 1939, a counselor to the Austrian Ministry of Trade and Traffic in the fields of jurisprudence and economics. MAN. ED.

[1] Grotius, *The Rights of War and Peace*, translated by A. C. Campbell (M. Walter Dunne, New York, London, 1901), Chap. XXII, XI, uses the term "absolute" instead of "unconditional." In German-language literature, the expression "Uebergabe auf Gnade und Ungnade" is often employed to indicate unconditional surrender; cf. Dr. J. C. Bluntschli, *Das moderne Voelkerrecht der civilisierten Staaten als Rechtsbuch dargestellt* (C. H. Beck'sche Buchhandlung, Noerdlingen, 1872), § 698.

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ditional surrender, early writers recognized, in conformity with Roman law, the absolute right of the victor to deal at his "pleasure and discretion"[2] with the vanquished. This originally unlimited right over life, liberty, and property of the capitulating enemy, the Roman *jus vitae ac necis*, was later considerably mitigated. As applied to life and liberty, it is reduced to the disarmament of the surrendering troops and their treatment as prisoners of war.

As pointed out above, a capitulation is a military agreement and has to be strictly interpreted as such. Therefore, it must not "contain arrangements other than those of a local and military character concerning the surrendering of forces, places, and ships."[3] Furthermore, a capitulation, being an act of the military, is concluded by military commanders who, as a rule, do not possess the comprehensive competence necessary for concluding a war-terminating pact.[4] Such authority is commonly vested by constitutional law in bodies or agencies other than the military command.[5] It is, therefore, evident that surrender, in the usual sense of the word, does not constitute a form of terminating war. Nevertheless, the term "surrender" as used by the President is obviously intended to indicate the procedure by which the present war against the Axis Powers is to be brought to an end and peace is to be established. Such procedure implies, therefore, a political act. Most writers on international law[6] mention as acts by which wars have been terminated in the past: (1) abstaining from further acts of war by the belligerent powers; (2) a formal peace treaty; (3) a formal declaration on the part of one party, "provided the other party to the conflict does not resume hostilities or otherwise decline to recognize the act as possessing the significance which its enemy attaches to it;"[7] (4) subjugation, which is the annihilation of the enemy as a subject of international law through annexation of his territory.[8]

[2] *E.g.*, Grotius, *ibid.*

[3] L. Oppenheim, *International Law; A Treatise* (6th ed., Longmans, Green and Co., New York), Vol. II, § 226.

[4] Grotius, *op. cit.*, Chap. XXII, VII: "As to the causes and consequences of a war, it is not within the province of a general to decide them. For concluding and conducting a war are very different things and rest upon distinct kinds of authority."

[5] The Weimar constitution of Germany, in Article 45, required the form of a federal law for the conclusion of peace.

[6] *E.g.*, L. Oppenheim, *op. cit.*, § 261; T. J. Lawrence, *The Principles of International Law* (2nd ed., D. C. Heath and Co., Boston, 1898), § 238; Wheaton, *Elements of International Law* (6th English ed., Stephens and Sons Ltd., London), Vol. II, Chap. VII; Charles G. Fenwick, *International Law* (The Century Co., New York, 1924); Dr. Franz von Liszt, *Das Voelkerrecht* (11th ed., Verlag Julius Springer, Berlin, 1918), p. 287.

[7] Charles Cheney Hyde, *International Law* (Little, Brown and Co., Boston, 1922), § 905.

[8] L. Oppenheim, *op. cit.*, Vol. II, § 264, makes a distinction between conquest as a temporary occupation of the enemy territory and subjugation as the extermination

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These ways of terminating a war can be reduced to the formula: wars are terminated by agreement based upon mutual consent, tacit or explicit, of the parties involved; or by the extinction of the political existence of one of the parties to the armed conflict. Thus the informal discontinuance of war (sub 1 above) also requires the mutual though tacit consent of both parties concerned. The conforming wills are made manifest by conclusive actions. The form of a peace treaty (sub 2 above) does not call for further explanation as to its juristic character as an agreement. The formal declaration by one party (sub 3 above) is the formally expressed will of one party, to which the other party consents by conclusive actions. From this it would follow that, except in case of subjugation, it always is an agreement that puts an end to a war and establishes the state of peace. The difference between the above discussed cases consists only in the way in which the will of the parties is expressed.

Apparently none of these ways of terminating a war and restoring peace can be identified with "unconditional surrender," or, more precisely, with a capitulation stipulating unconditional surrender, even if this type of an essentially military agreement is considered as transferable into the political sphere. In fact, there is no reason to assume that a capitulation could not be concluded as a political agreement, i.e., between states involved in war and with the surrender (conditional or unconditional) of a whole state as its objective. As in case of a military capitulation, two aspects have to be considered, the factual surrender and the juristic-political act. The latter may be construed as an acceptance in advance by the capitulating power of any terms the victor may impose on the vanquished. Such act apparently requires a formal and explicit declaration of the capitulating party. This declaration must be made, as pointed out above, by one state to another, and through the proper political authority, i.e., the authority empowered to conclude a peace treaty; and obviously it also requires ratification if the laws of the country so provide. The war-terminating act, in essence an international treaty, is completed as soon as the victorious party, through its competent organs (for instance, in the case of the United States, through the President, with the constitutionally required advice and consent of the Senate), announces the terms.

Some writers refer to unconditional surrender thus conceived (political capitulation stipulating unconditional surrender) as "unconditional submission,[9]" the most important consequence of which is that the *imperium*

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of the enemy as a sovereign power by permanent annexation of his territory. Conquest consists only in a factual military action which as such cannot be considered as an act terminating a war.

[9] Grotius, *op. cit.*, Chapter XX, XLIX; Robert Phillimore, *Commentaries upon International Law* (T. and J. W. Johnson and Co., Philadelphia, 1857), Vol. III, Pt.

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of the vanquished state devolves upon the victorious party. As far as the conquered state's power over territory and population is concerned, it is commonly agreed that no more—and, it can certainly be added, no less —than the conquered state possessed is acquired by the victor.[10] Consequently, if the capitulating state possesses totalitarian power over its subjects, this totalitarian power will be acquired by the conqueror. In addition to this power derived from the devolution of the *imperium* upon the conqueror, the latter is *ex contractu* authorized to impose whatever terms he sees fit on the defeated enemy, who, by capitulating unconditionally, has consented to the terms in advance and without any reservation.

In spite of these juristically unlimited rights of the victorious power, even early writers recognized the victor's need of restraint,[11] according to the "common rights of humanity."[12] On the other hand, the extent to which this mitigating principle is to be applied depends on the special circumstances of the case, particularly on the character of the capitulating enemy and on considerations of security.[13]

Since a political capitulation is an agreement, any provision of international law which refers to agreements is applicable. So the principle holds that when the representatives of a state conclude treaties which are in violation of constitutional restrictions (*ultra vires*), the same are not valid. The present government of Germany is most unlikely to capitulate by surrendering the German Reich to the Allies unconditionally, since such action would forever destroy the nimbus of heroism so indispensable to Nazism. If, on the other hand, other persons offer capitulation, difficulties may arise as to their proper competence. According to another

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XII, Chap. I, 638; Peter Resch, *Das Europaeische Voelkerrecht der Gegenwart* (Ulrich Moser's Buchhandlung, Graz and Leipzig), § 183, considers "vollstaendige und unbedingte Unterwerfung des Besiegten unter den Sieger" (*i.e.*, complete and unconditional submission to the victor of the vanquished) as a way of terminating a war; Bluntschli, *op. cit.*, § 701, correctly refers to "Ergebung" (submission) as a means which—or a peace treaty—must follow the merely factual conquest, in order to create the juristic-political situation of peace.

[10] *E.g.* Bluntschli, *op. cit.*, § 702.

[11] Cf. Grotius, *op. cit.*, Chapter XX, XLIX.

[12] Robert Phillimore, *op. cit.*, 642.

[13] Cf. Emmerich de Vattel, *The Law of Nations, or the Principles of Natural Law*, translation of the edition of 1758 by Charles G. Fenwick (Carnegie Institution of Washington, Washington, 1916), Book IV, Chap. I: "But if a sovereign is dealing with a perfidious enemy, it would be imprudent to trust his word or his oath. In such a case the sovereign may with perfect justice act as prudence requires, and take advantage of a successful war and follow up his victory until he has broken the excessive and dangerous power of the enemy, or forced him to give adequate security of proper conduct in the future." Grotius, *op cit.*, Chapter XX, XLIX, recommends avoidance of "any rigor, except the demerits and atrocity of the enemy require it," and the observation of certain bounds only "as far as security allows."

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rule of international law, an agreement is not to be considered as binding if the representatives of one of the contracting parties act under duress exerted upon them personally. From this it follows that a valid political capitulation cannot be forced upon the enemy, not even by crushing military defeats. What can be achieved without the concurring action of Germany, and hence also in the absence of any German government, is a series of military defeats entailing military capitulations of German troops, places, ships, etc., followed by military occupation of the conquered territory, until all the German armed forces are either destroyed or captured, and the whole area of Germany is occupied and pacified. The war would thus come to a factual end by conquest. But unless the entire German Reich is permanently incorporated into the territory of other states, a political act must follow, in order to terminate the state of war and bring about the state of peace. The party to such action could, of course, be a revolutionary government which, before Germany's final collapse, or afterwards, might dispossess the present régime, or which might be formed, after the Nazi régime has been destroyed, by some procedure acceptable to the Allies. In the light of experience, however, it would seem suicidal should the new government assume the responsibility for an unconditional submission. Such government, otherwise perhaps useful to the Allies in the execution of plans concerning Germany's future, would be hopelessly discredited by offering unconditional submission, and would thus become unable to continue to function.

One of the situations depicted above is likely to develop in the final phases of the war. The absence of a duly authorized German government as a partner to a war-terminating agreement may induce the Allies to issue a unilaterally formulated "Declaration of Peace," asserting the end of the state of war and containing a set of ordinances and regulations to initiate and organize the state of peace. This unilateral procedure seems superior to any contractual form of terminating the war, even in case competent representatives of the German Reich should be available and willing to sign a peace treaty. The reason is that any agreement can and will be contested under various pretexts. Apart from the principles of international law discussed above, it is particularly the *clausula rebus sic stantibus*, this ever-present sword of Damocles hanging over international agreements, that offers manifold possibilities to contest the validity of a treaty. Whenever the defeated party feels that it has recovered sufficiently to shake off a burden accepted under the threat of physical compulsion, it is likely to produce arguments to prove essential changes in circumstances tacitly assumed or explicitly referred to in the treaty. The doctrine that treaties between states are not vitiated by the fact that one of the parties was under duress when the pact was concluded is the logical

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scion of a system of law culminating in war as the *ultima ratio* in settling international disputes.

Indeed, until self-help is effectively outlawed in the field of international relations, this doctrine appears to be the indispensable supplement to almost any peace treaty. Generally accepted by writers on international law, it is heartily welcomed by victorious powers, to which it seems to hold out the promise of a peaceful future without the need for any further exertion on their part. However, it very seldom happens that the vanquished accepts this doctrine with equal enthusiasm and unreservedly. He looks upon it as a convenient buttress for the victor's claims, and considers the peace instrument as a dictate[14] to be ignored or openly declared null and void as soon as the superiority of the victor fades away. Thus the standpoints of victor and vanquished differ basically: while the victor is inclined to trust in the sanctity and validity of such treaty, the vanquished observes burdensome terms only as long as he must. In this irreconcilable discrepancy between the contracting parties' mental and factual attitude toward treaties, concluded under duress of one party, lies the deficiency, nay a real danger, to the victor, of a peace treaty and similar contractual arrangements. Relying on the binding force of the treaty and the good faith of the other party, the victor lulls himself into a pernicious belief in a false security, and he easily forgets that only his own unrelenting alertness and armed preparedness will compel the defeated enemy to honor the peace terms.

The case is essentially different if no agreement has been made. Then, stripped of the illusions created by juristic fictions and deprived of any basis for wishful thinking, the victor is necessarily aware of the true nature of the situation. He knows exactly what he must expect, should his vigilance ever relax. Indeed, a universal and full understanding of the fictitious character of an imposed peace treaty should provide a strong incentive to approach the problem of collectively organized international security more forcefully than in the past.

Settling and directing international relations by unilateral declaration is not alien to American foreign policy. The Monroe Doctrine and in a sense the Atlantic Charter are examples. Used as a form of terminating a war, the unilateral declaration would not only cast into sharp relief the highly dynamic character of an international equilibrium and save the victorious powers from fatal error, as explained above, but it would offer still other advantages. Whereas arrangements of a contractual nature require mutual consent to any alteration, the terms announced in a uni-

[14] Soon after the Treaty of Versailles was concluded, it became customary in Germany to refer to it as the "Diktatfrieden" (dictated peace) or "Gewaltfrieden" (peace forced upon Germany) of Versailles.

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lateral declaration of peace can be modified at any time at the will of the victor alone. The value of this extraordinary flexibility must not be underrated. Because of the complexity of the problems involved, it will be a superhuman task to settle them all at once. But making use of the instrument of the unilateral declaration, the Allies will be in a position to bring order into the chaos of postwar conditions step by step, and build up the peace structure gradually, without having to resort to tiresome negotiations with the enemy whenever modifications of terms already agreed upon, or entirely new arrangements, appear necessary. However, this undesirable *modus procedendi* is inevitable once the principle of contractual procedure has been established, and serious difficulties are bound to arise should later deviations from the peace terms or from preliminaries or armistice terms become unavoidable.[15]

A further advantage of the non-contractual procedure lies in the fact that the question of the proper authorization of the vanquished country's representatives can be ignored completely. Representatives of the defeated state may or may not be present when the peace terms are announced in the declaration of peace. If such representatives are present, they appear *ad audiendum verbum* only. It must, of course, be postulated that the declaration of peace will be brought to the knowledge of the subjects of the defeated state by proper publication.

Concerning the execution of the terms imposed upon the vanquished, it stands to reason that they have to be enforced—as in the case of a contractual peace arrangement—unless the conquered nation prefers to observe the provision voluntarily. The preservation of peace will—again as in the case of a treaty—depend primarily upon the victor's armed superiority and his willingness to make use of it, or upon the proper functioning of an international organization equipped with the means necessary for maintaining peace and settling international disputes.

[15] If concluded by competent authorities, preliminaries as well as armistice must be considered as binding *pacta de contrahendo*, and the terms of a subsequent peace treaty must conform to them unless both contracting parties consent to an alteration.

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LATIN AMERICA LOOKS TO THE FUTURE

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Although the articles that compose this group form a "symposium" only by virtue of their common concern with Latin America, they do, in reality, have the further common denominator of looking ahead, either openly or by implication, into tomorrow's politics and government in an area that heretofore has impinged only slightly on the consciousness of many political scientists. The present war will inevitably bring governmental and political readjustments to the twenty states of Latin America, and also changes in their relationships with the United States and the rest of the world. Mr. Stuart, professor of political science at Stanford University, describes the new machinery of the Department of State established to deal with this country's rapidly expanding relations with the Latin American states. Mr. Fenwick, formerly professor of political science at Bryn Mawr College and now a member of the Inter-American Juridical Committee at Rio de Janeiro, and Mr. Whitaker, professor of history at the University of Pennsylvania, discuss various aspects of the problem of the Latin American states in postwar international affairs. Mr. Fitzgibbon, associate professor of political science at the University of California at Los Angeles, traces Latin American constitutional evolution as a foundation for considering what may come in the future. Mr. Stokes, instructor in political science at Northwestern University, describes the various past and present experiments with parliamentary government, a form that now seems to be exerting a wider attraction for the Latin American states. Mr. Reining, educational director of the National Institute of Public Affairs, tells of the remarkable administrative developments of recent Brazil.

Even though the total picture presented by the several articles is necessarily fragmentary, it suggests that Latin America cannot hereafter be in any sense a "blind spot" for the student of political science who wishes to obtain a proper perspective of the political development of the various regions of the world.—R.H.F.

I. THE NEW OFFICE OF AMERICAN REPUBLIC AFFAIRS IN THE DEPARTMENT OF STATE

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The mere announcement of a well-thought-out foreign policy is not sufficient unless adequate machinery is available to make it effective. We have always thought of ourselves as *buenos amigos* to the republics south

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of the Rio Grande, but we have not always been able to make them believe it. Conceding that one of the reasons has been certain sins of commission, certainly another has been the sin of omission. The agencies for carrying out our foreign policies both in Washington and in the field were not geared to the load put upon them.

Even before the promulgation of the Monroe Doctrine in 1823, the United States was keenly interested in the young sister republics to the south. However, for almost a century, the Department of State treated the world as a geographical unit in the conduct of foreign relations. It was not until 1870, when Secretary of State Hamilton Fish set up two geographical bureaus, that the second bureau was given jurisdiction over the Latin American region as well as certain other areas.

The Division of Latin American Affairs, established in 1909, is the second oldest of the geographical divisions, and its jurisdiction was limited to the twenty American Republics. When the Division was overwhelmed with work pertaining to Mexico during the latter's revolutionary period, a Division of Mexican Affairs was established in 1915, and it remained in existence until 1937, when the new Division of the American Republics was established and given jurisdiction over relations with all twenty American Republics. This arrangement lasted until the reorganization of January, 1944, when the Office of American Republic Affairs was established and subdivided at first into six, and later five, divisions upon a regional basis. Another division, named the Division of American Republic Analysis and Liaison, was added by Departmental Order No. 1271, dated May 3, 1944.

The various divisions of the Department of State which have had jurisdiction over Latin American affairs have to a considerable extent drawn their principal officials from the roster of experienced Foreign Service officers. Among the well-known career officers who have served as head of the Division of Latin American Affairs, we find the late Thomas C. Dawson, one-time minister to Chile; Sumner Welles, former Under-Secretary of State; the late J. Butler Wright, former ambassador to Cuba; Edwin C. Wilson, former minister to Uruguay and ambassador to Panama; Norman Armour, now ambassador to Spain and preceding that assignment ambassador to Argentina; and the present director of what is now known as the "Office of American Republic Affairs," Avra Warren, a career diplomat of twenty-five years' experience. Among outstanding authorities, outside of the Foreign Service, who have served as the Division's chief, one must mention Dr. Leo S. Rowe, director-general of the Pan-American Union; Dr. Dana G. Munro, formerly minister to Haiti; and Laurence Duggan, who served in this field in the Department for some fourteen years. The heads of the Division of Mexican Affairs were also for the most part drawn from the Foreign Service and included such

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men as Matthew E. Hanna, the late Franklin M. Gunther, Arthur Bliss Lane, ambassador to Poland, Herschel V. Johnson, minister to Sweden, Edward L. Reed, counselor of embassy in Argentina, and Joseph F. McGurk, until recently deputy director of the Office of American Republic Affairs.

In Departmental Order No. 686, of May 21, 1937, it was stated that as a result of the increasing importance of the relations between the United States and the other American Republics, and in order that inter-American relations might be strengthened more effectively and on a wider scale, "there shall be established in the Department of State a Division of the American Republics." This new division had charge of relations with the other twenty American Republics and took over the functions of the Division of Latin American Affairs and the Division of Mexican Affairs, which were thereupon abolished.

The principal reason why the Division of Mexican Affairs was incorporated into the Division of the American Republics at this time was the feeling of the higher officials of the Department that there should be overall integration of our activities with the other American Republics. Furthermore, throughout the Hoover administration, with Ambassadors Dwight W. Morrow and J. Reuben Clark promoting increasingly friendly relations with Mexico, and with their successor, Ambassador Daniels, carrying out the Good Neighbor policy of President Roosevelt and Secretary Hull, the relations between the United States and Mexico were politically serene. In consequence, the volume of work of the Mexican Division declined to such an extent that it was felt that two competent officers could handle it, with the chief of the consolidated division maintaining supervision over them.

By the beginning of 1938, the new division was effectively organized and carrying on many functions in addition to its routine duties. The economic depression had brought about many political and social changes in the Western Hemisphere which required detailed and careful attention. The tendency toward nationalization of natural resources and basic industries in the Latin American Republics created problems involving drastic readjustments in the relations of North American trade and investment. These changes made for a special interest in particular commodity problems, such as those relating to petroleum, tin, silver, sugar, and coffee. The fact that certain foreign governments were endeavoring to increase their political and economic influence in the Western Hemisphere forced the Division to pay particular attention to these activities. A special study was made by one of the officers of Fascist, Nazi, Communist, and Japanese activities in the other American Republics.

The efforts to carry out the Good Neighbor policy and to maintain peace in the Western Hemisphere entailed much work outside of routine

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tasks. The Division had to do all in its power to bring about effective coöperation in accordance with the treaties, conventions, and resolutions adopted at the periodical and special inter-American conferences. One officer spent most of his time on problems relating to inter-American organizations and Pan-American conferences. The agenda for such conferences had to be prepared and the necessary documentation for the use of the delegation of the United States collected. Advising such delegations, helping them draft their final report, and initiating action to carry out the resolutions and recommendations of the conferences were a vital part of the Division's work.

The trade agreements program increased the work of this Division, particularly since the majority of the agreements negotiated have been with the other American Republics. The relations with Cuba were of a special character in this connection and required considerable attention. Officers of the Division regularly served as chairmen of the country committees set up for prospective trade agreement negotiations.

Many specific problems were peculiar to our relations with our Latin American neighbors. The sending of military, naval, and aviation missions entailed close coöperation with the War and Navy Departments. The Panama Canal, the naval station at Guantánamo, and the Inter-American Highway raised problems which had to be given the closest attention. The various boundary disputes in which we were interested often, from the standpoint of trade or mediation, required careful and prolonged research on the part of certain officials in the Division. Other problems, such as exchange control systems, defaults on foreign bonds, expropriation of American properties, sugar production and its international control, were of continuous interest. It was estimated that, taking the Division as a whole, about seventeen per cent of the officers' time was spent on research.

By the end of 1938, the Division consisted of fourteen officers, of whom eight were permanent and six were Foreign Service officers on detail. However, the work had so increased that it was clear that the staff would soon have to be enlarged. Two new positions had been set up during 1938 in the Division, one filled by an officer whose entire time was devoted to research and the other by an officer whose work was concerned solely with economic and financial problems.

The Eighth International Conference of American States was held in Lima, Peru, in December, 1938, and the Declaration of Lima which issued therefrom provided that any minister of foreign affairs might call a meeting of his confréres if the situation seemed to require it. In other words, consultation among the Latin American states, long envisaged, was now definitely accepted and the machinery to make it effective provided.

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The number of officers in the Division was increased to eighteen during 1940 as the war increased the responsibilities of the United States to its Latin American neighbors. It was found necessary during 1941 to reorganize the Division somewhat in order more effectively to meet the additional burdens and the new problems arising as a result of the war. During 1941, in order to improve the administration of the Division, three geographical sections were established: the Mexican and Central American Section, the Western and Southern Republics Section, and the Caribbean, Eastern, and Northern Republics Section.

A number of new duties resulting from the war had to be assigned by the Division during 1941. The problems of export control and priorities, foreign funds control, application of the proclaimed list, technical assistance in connection with contracts for military, naval, and air missions to the other American Republics, the purchase of strategic materials for defense purposes, international radio broadcasting (particularly on subversive matters by the Nazis and Fascists), loans and materials to be supplied under Lend-Lease—all these had to be added to the regular political and administrative work of the Division.

Another reorganization took place before the end of 1942 which set up the country desks in somewhat different fashion. During 1943, the Division continued to expand, both in the activities carried on by the country desks and in its liaison work. The one important change was the setting up of the Analysis Section, which was to be responsible for all analysis and research work for the Division. As originally conceived, this section prepared such country monographs as were needed, edited the weekly report, analyzed the articles in the press, and was responsible for the divisional files.

On January 15, 1944, there was promulgated the drastic reorganization plan of the Department of State which abolished the Division of the American Republics and set up in its place the Office of American Republic Affairs. Mr. Laurence Duggan, formerly adviser to the Secretary of State on Inter-American Affairs, was designated director of the new office, and Mr. Philip W. Bonsal, Chief of the Division of the American Republics, was named deputy director. These key officials were thereafter assisted by nine policy-determining and administrative officers and eighteen clerks. To permit greater specialization, the geographical divisions were subdivided as follows: Mexican Affairs, Caribbean and Central American Affairs, Brazilian Affairs, Bolivarian Affairs, River Plate Affairs, and West Coast Affairs. However, on July 26, 1944, the Division of Bolivarian Affairs and the Division of West Coast Affairs were consolidated into one division entitled Division of North and West Coast Affairs.

A most interesting and valuable agency in the reorganized Office was

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the Division of American Republics Analysis and Liaison, subdivided into three parts: the Inter-American Section, the Analysis Section, and the Liaison Section. Its work is of such unique character that it merits more detailed consideration. However, we must first note a few other changes made since the January 15, 1944, reorganization.

In the summer of 1944, Mr. Duggan resigned as director of the Office, and Mr. Norman Armour, who had been recalled as ambassador to Argentina, became acting director. At approximately the same time, Deputy Director Bonsal was transferred to the field, and Mr. Joseph F. McGurk, formerly chief of the Division of Mexican Affairs, took his place. This arrangement held to the end of the year, when a further drastic reorganization of the entire Department took place pursuant to Departmental Order No. 1301 of December 20, 1944. The changes in the Office of American Republic Affairs, however, were in personnel rather than in organization. The most important had occurred during the fall, when Mr. Avra Warren was appointed director and Mr. John T. Forbes executive officer of the Office.

Division of American Republics Analysis and Liaison. With the outbreak of the war in Europe and the intensification of American activities in relation to the other American Republics, a number of new duties arose which fell outside of the geographical divisions. The cultural relations program was greatly expanded. The plan for closer coöperation with the other American Republics, as envisaged by the Interdepartmental Committee, required considerable work and attention. The launching of the program of the Office of the Coördinator of Inter-American Affairs provided another special line of work requiring much attention on the part of the political division. Finally, the war created special problems affecting our relations with the other American Republics, such as military agreements and programs of political security. These required research, study, and collaboration with other agencies of the government.

Concurrently with these developments, the volume of reports, telegrams, despatches, and other documents received from our missions in the other American Republics increased greatly in volume. A special mechanism was needed to review this flow of material and distill from it information of importance in trends and developments in the other American Republics—information essential to the higher officials of the State Department. Such work could not be expected of the desk officers, since they were engrossed in current matters and such analysis required examination of information from various countries.

The first attempt to coördinate these various activities into a single section came in September, 1941, when the Liaison, Coördinating, Panamanian, and Administrative Section was established. This section, in addition to taking responsibility for the administration of the Division and

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our relations with Panama (including the Canal Zone), was charged with cultural relations, liaison with the Coördinator's Office, matters pertaining to the Inter-American Conference, the Pan-American Union, the Inter-American Neutrality Committee, and the Interdepartmental Committee on Coöperation with the American Republics. It also rendered technical assistance in connection with contracts for military, naval, and air missions to the other American Republics and dealt with international radio-broadcasting.

The work of this Section increased so rapidly that on January 1, 1942, the Section was divided into two units: (1) the Inter-American, Panamanian, Economic, and Administrative Unit, and (2) the Coördination, Liaison, and Coöperation Program Unit.

The Inter-American Unit took charge of the coffee and cocoa agreements, non-American activities in the American Republics, inter-American conferences, radio and postal communications, coördination of inter-American economic activity, which included lend-lease matters, application of the *Proclaimed List*, export control, and priorities. This unit was responsible also for the editing of the weekly report on our relations with the other American Republics and for the administration of the Division and one country desk—Panama.

The Coördination, Liaison, and Coöperation Program Unit was responsible for collaboration with the Division of Current Information, the Division of Cultural Relations, and with the Office of the Coördinator of Inter-American Affairs. It also was charged with matters pertaining to the work of the Interdepartmental Committee, and to our military, naval, and air missions to the other American Republics.

The only noteworthy change during 1942 occurred when another section was established to give more attention to subversive activities of the Axis Powers. In the spring of 1943, another reorganization broadened the Inter-American Affairs Section to include the duties of the Political Warfare Unit and most of those of the Coördination and Liaison Unit. A new section was organized called the Analysis Section. This Section was for the most part charged with research problems and with editing the weekly report and making analyses of the contemporary press.

The complete reorganization of the Department which took place on January 15, 1944, did not touch the Analysis Unit, but a Departmental Order of May 3, 1944, established in its place the Division of American Republics Analysis and Liaison, which was subdivided into three sections: Analysis, Liaison, and Inter-American.

The Analysis Section serves as a research staff to the director and chiefs of divisions of the Office of American Republic Affairs. It is authorized to take the initiative in selecting topics which warrant analysis and to develop recommendations bearing on policy. This function is in addi-

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tion to the regular duties of supplying information and research as requested by the Office staff. The Analysis Section was made responsible also for the collection and analysis of data from various sources, including the regular departmental despatches and memoranda, reports of the federal agencies, and any relevant published documents. The assembling and digesting of research materials on background and policy developments was a service available both to the officers in the field and to those in the Office.

An important part of the reference work is the servicing of requests for information. Many of these call for searching in the library and in the department files, with the subsequent preparation of written reports. The majority of the requests involve the collection of information on a given subject rather than a simple reference to material on file. Requests come not only from officers in the Office of American Republic Affairs, but from sources outside. For example, the following government agencies have received the services of the Reference Unit; the Office of Strategic Services, the Federal Reserve Board, the Federal Communications Commission, the Pan-American Union, the Coördinator's Office, the Library of Congress, and various others. Senators and congressmen and independent news agencies also utilize the reference services.

A certain number of memoranda are prepared upon the initiation of this unit. For example, every fortnight a list of congresses and conventions is made, and this has been found very helpful to the officers of the Office. Many letters from various sources requesting information must be answered. The collection of material on a given subject for the use of desk officers is also a function of the Unit.

One unit of the Analysis and Reports Section is for the most part concerned with the preparation of special studies, either upon the request or upon the initiative of officers of the unit. This work requires such specialization that the personnel has been chosen very carefully with this end in view. Every appointee of higher professional rank must have had academic research training in the Latin American field and experience or extensive travel and residence in one or more Latin American countries. To avoid duplication, there is the closest coöperation with other research agencies.

The principal work of the so-called Liaison Section is informational. When Mr. Stettinius entered the Department as under-secretary, he felt that too little provision was made for the exchange of information within the Department and between the Department and the field. To remedy this weakness, he had four information officers appointed, one in each geographical office; and these officers were made responsible for the preparation of daily summaries of all confidential material for the use of the Policy Committee of the Department.

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These daily summaries of the secret telegrams and airgrams aim to give an adequate presentation of all the vital information pertaining to foreign policy which the Secretary and his policy officers would find useful. The summaries may run from one to five pages, depending upon the importance of the inflowing despatches.

Another function of the Information Officer is to review the daily reports of the Information Officers of the other areas to determine whether information in their surveys might be of value to the heads of missions in the countries of his area. If this is the case, such information is telegraphed to the ambassadors who might be interested. As a sort of correlation service, each information officer summarizes the weekly reports of his area and interprets them for the benefit of the other information officers. The work of the information officer not only in preparing summaries of information of developments in the other American Republics, but in interpreting the information in such a way as to clarify the policies of this government, has proved to be a most valuable innovation.

A weekly report, prepared on the basis of reports from our missions in the field, summarizes and interprets the outstanding political events in connection with our relations with the other American Republics; and this report has been found very valuable as a means of presenting a summary of developments from week to week so that officers both in the Department and in the field may readily obtain a brief synthesis of the most important information on the subject from official sources.

The Departmental Order of May 3, 1944, charged the Inter-American Section with two closely related functions. One of these pertains to certain inter-American problems, chiefly of a political nature, which lie outside the scope of the geographic divisions. The other is concerned with inter-American organizations, conferences, treaties, and conventions. In discharging both functions, the Section initiates action on specific matters, maintains liaison with other divisions of the Department and other agencies of the government, and makes recommendations with respect to the policy to be followed by the Office of American Republic Affairs.

The work pertaining to inter-American organizations and conferences is based upon a program worked out by the Interdivisional Area Committee on Latin America. This area committee is a technical device to facilitate collaboration between the Office of American Republic Affairs and the Division of International Security and Organization on subjects requiring research concerning future policy toward the American Republics. A small subcommittee has worked for a considerable time on the problem of pacific settlement of disputes and the enforcement of peace in the Western Hemisphere. The basic policy has been to strengthen in every way possible the inter-American system within the framework of the general international organization.

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An important part of the Section's work is devoted to assisting the Department in formulating policy toward inter-American organizations. Of these organizations, the Pan-American Union is, of course, the largest, and the Section is in close contact with Dr. Rowe, the director-general of the Union. Examples of other inter-American organizations in this category include the Inter-American Commission for Women, the Inter-American Institute of Agricultural Sciences, the Inter-American Juridical Committee, and the Pan-American Sanitary Bureau. In addition, the chief of the Section is liaison officer of the Department with the Inter-American Defense Board, which has its headquarters in Washington.

From this brief survey of the Office of American Republic Affairs, it is evident that in this agency particular stress is laid upon careful research and correlation of facts so that the officers of the geographical divisions may formulate their policies with the most complete assurance that they are based upon the solid foundation of carefully documented surveys covering every available piece of information. Such a procedure tends toward the formulation of a policy which is reasonable and objective, and for this reason more likely to be successful.

II. THE INTER-AMERICAN REGIONAL SYSTEM[1]

CHARLES G. FENWICK
Member of the Inter-American Juridical Committee

For more than half a century, the states of the Western hemisphere have coöperated for the promotion of their mutual interests by means of a loose form of organization which is unique in the categories of political science. Step by step, the organization has proclaimed its principles and strengthened the machinery of its conferences and its consultative meetings of Foreign Ministers; step by step it has enlarged its functions and developed new agencies for their administration. But at no time have the American states sought to draw up a formal charter defining the status of their collective membership as constituting a corporate international person.[2]

[1] The present article has been written at Rio de Janeiro during the opening week of the Conference on War and Post-War Problems being held in Mexico City. Demands of time make it impossible to await the results of the Conference; but it is believed that there will be little difficulty in making the necessary corrections when the results of the Conference have been published. [The succeeding article, by Professor Whitaker, was written after the Mexico City conference and takes due account of its decisions and acts. MAN. ED.]

[2] It is difficult even to give a precise name to the inter-American organization, "Union of the American Republics" and "Union of the American States" being used alternatively. See Resolution, Reorganization of the "Union of the American Republics," Buenos Aires, 1910, *International Conferences of American States, 1889–1928*, p. 172, and Convention, Pan American Union, Havana, 1928, *ibid.*, p. 398. The Union of the American Republics is to be distinguished from the Pan American

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Rather they have preferred to coöperate along practical lines and to develop their organization progressively as the circumstances of the time appeared to demand. In consequence, while the inter-American system exists as a fact, while it functions as an association or "union" of twenty-one American states, its precise juridical character as a regional organization has never been defined. Whether the establishment of the new international organization contemplated by the Dumbarton Oaks Proposals will call for such a definition, in order to establish more accurately the relations between the two systems, is a question for speculation, now that the Conference at Mexico City is in progress.

Perhaps the general character of the inter-American system may best be surveyed along the lines of classification followed by the Conference at Dumbarton Oaks in formulating the Proposals for the new international organization. Beginning, therefore, with the "Purposes" of the inter-American system, it would be readily possible to formulate them in almost the precise terms of the preamble of the Covenant of the League of Nations or the terms recommended for the charter of the new international organization, except, in the latter case, for the item relating to the suppression of acts of aggression.[3] The promotion of peace and justice, the development of friendly relations, coöperation in the solution of inter-American economic and social problems, have been proclaimed many times as the general objectives of the American states. In place of the objective of collective security in the Dumbarton Oaks Proposals, there would be substituted the protection of the inter-American group against attack from outside the hemisphere.

The "principles" of the inter-American system have been proclaimed in greater detail than has been the case in the Covenant of the League of Nations or is now the case in the Dumbarton Oaks Proposals.[4] Outstanding is the principle of the sovereignty and equality of the American States, sometimes formulated as two distinct principles, sometimes merely as the equality of states.[5] The importance of this principle lies in the fact

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Union, which is one of the "organs" through which its objectives are attained. See below, note 19.

[3] See below, note 20.

[4] A convenient list of the various statements of inter-American principles may be found in the marginal annotations attached to the revised reaffirmation of Fundamental Principles of International Law, submitted to the American Governments by the Inter-American Juridical Committee under date of March 6, 1944. For the text of the Reaffirmation, see *Inter-American Conference on War and Post-War Problems; Manual for the Use of the Delegates, Pan American Union Bulletin*, Dec., 1944, p. 669. To this list must now be added the Declaration adopted at the Conference at Mexico City.

[5] The Inter-American Juridical Committee, in the Reaffirmation of Fundamental Principles above referred to, phrased the two principles as follows:

"Respect by each State for the personality, sovereignty, and independence of every other State constitutes the basis of international order, just as in the relations

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that it asserts the right of each state to its own separate personality as a member of the inter-American community, and therefore that it carries with it the conception of an international order in which coöperation is free and voluntary and no single member of the community or group of members may coerce the action of any of the other members.

The great stress laid by the American states upon the principle of sovereignty and equality has not, however, led them to overlook the juridical and practical limitations attending the application of the principle in normal relations. "Sovereignty" is clearly understood as subject to the obligations of international law; equality is likewise clearly understood as admitting relative degrees of political influence.[6] These limitations have never been specifically adverted to, largely no doubt because of the difficulty of formulating them in such a way as not to seem to encroach upon the sacredness of the principle itself. Jurists may insist that the time has come to use terms less suggestive of the anarchy of past times when sovereign states were truly sovereign. But the American governments have no such inhibitions, and it is probable that the principle of sovereignty and equality will continue to be found among the first articles of future inter-American declarations of fundamental principles—all the more so as the principle is now to be incorporated into the charter of the new international organization.[7]

A corollary of the principle of sovereignty and equality is the principle of non-intervention. Long asserted by jurists and by individual American

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of individuals mutual respect constitutes the basis of the democratic social order.

States are juridically equal, in the sense that they have the same fundamental rights.

This equality derives from the existence of the State as a person of international law and not from the power which the individual State may possess to defend or maintain it.

In like manner this juridical equality is independent of the territorial size of the particular State or of the degree of its material progress.

In consequence, no State may be held bound by changes in the rules of law, whether in political or in economic matters, to which it has not freely consented."

[6] In its preliminary Recommendation on Post-War Problems, the Inter-American Juridical Committee called attention to the necessity of modifying the traditional conception of sovereignty so as to make the principle "consistent with the supreme necessity of maintaining peace, order, and justice in the international community." "No nation," said the Recommendation, "may claim as an attribute to sovereignty the right to be the judge in its own case or the right to take the law into its own hands and assert its claims by force." *Pan American Union Publication*, p. 18. The same injunction is repeated in the Juridical Committee's Preliminary Comments and Recommendations on the Dumbarton Oaks Proposals," *Pan American Union Publication*, p. 3.

[7] Editor's Note: These principles were most formally stated by the Inter-American Conference on Problems of War and Peace, at Mexico City, in the "Declaration of Mexico" (Resolution XI), expecially Principles 2 and 3.

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governments as one of the corner-stones of the inter-American system, the principle was given definite expression at the Montevideo Conference of 1933 in the Convention on the Rights and Duties of States. The Conference at Buenos Aires in 1936 added specific details: "The High Contracting Parties declare inadmissible the intervention of any one of them, directly or indirectly, and for whatever reason, in the internal or external affairs of any one of the Parties."[8] Stated thus in comprehensive terms, the principle of non-intervention might seem to preclude any right on the part of the inter-American community as a whole to control the conduct of any of its members in the interest of maintaining the general peace. But the principle of non-intervention, like the larger principle of sovereignty and equality from which it is derived, has also its limitations. It refers to the arbitrary interference of a single state or group of states, not to the action of the community as a whole.[9] Thus far, the American states have not defined clearly the extent of the authority of the community to intervene for the protection of their individual members against the possible lawless conduct of a particular American state. But there would seem to be no doubt that they would regard themselves as having the legal right to do so if an actual case were presented.[10]

The principle of the faithful observance of treaty obligations finds frequent expression in inter-American declarations. The principle is so well established in international law that its affirmation by the American states might be taken for granted, except for the fact that the assertion of the principle raises the question of the possibility of the revision of treaties which have been originally entered into under duress or which have lost something of their force by reason of an alleged change of circumstances.[11] Controversies upon this subject have led to the assertion that the revision of treaties must take place only by agreement of the contracting parties. In this respect, the inter-American declarations with regard to the principle of the faith of treaties stop short of Article 19 of

[8] *International Conferences of American States, 1933–1940*, p. 191.

[9] In its memorandum submitted to the Department of State with reference to the proposed international organization, the government of Uruguay observed that although it adhered to the principle of non-intervention, "it considers collective intervention justified in the case of the state which constitutes a threat to the peace, it being the duty of the Organization to determine the modalities of such intervention." "Inter-American Conference on Problems of War and Peace, Handbook for the Use of Delegates," *Pan American Union Publication*, p. 140.

[10] See below, note 14, indicating the extension of the inter-American principle to include mutual protection within the regional group.

[11] See, in this connection, the two drafts submitted to the American governments by the Inter-American Juridical Committee in Article IV of its original text of the Reaffirmation of Fundamental Principles, June 2, 1942, and in its revised text, March 6, 1944.

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the Covenant of the League of Nations, which gave to the Assembly of the League the right to advise the reconsideration of treaties, although their actual revision might require the consent of both parties.

Repudiation of the use of force between states is a principle of inter-American relations which goes back to the first International Conference of American States, held in Washington in 1889–90. The Kellogg-Briand Pact of 1928 gave more definite expression to the principle in the form of a condemnation of war as an instrument of national policy. This was followed by a special declaration adopted in Washington in 1932 in answer to the threat of hostilities in the Chaco, by the Argentine Anti-War Treaty of 1933, the Montevideo Convention of 1933, and the Buenos Aires Coördination Convention of 1936. Accompanying the principle of the repudiation of the use of force is the proscription of territorial conquest and the refusal to recognize the validity of title to territory taken by force.[12] The two principles, taken together, constitute an absolute and unqualified denial of the legal character formerly attaching to war, although it is to be assumed that the reservation of the right of self-defense, which accompanies the Kellogg-Briand Pact, applies equally to later declarations based upon the Pact.

Accompanying the principle of the unlawfulness of the use of force between states is the principle that all disputes between them must be settled by peaceful procedures. Here again the record goes back to the first conference of 1889–90, and here again the terms of the Kellogg-Briand Pact have been carried over into inter-American treaties and declarations. The specific procedures of pacific settlement and the responsibility of the inter-American community for their application to concrete controversies will be considered later. The principle that any and every dispute must find a peaceful settlement is a fundamental principle of law; the particular procedure to be followed bears rather upon the observance of the law and, under present conditions, may properly be left to the option of the parties in controversy.[13]

To what extent are the American states collectively responsible for the maintenance of peace in the presence of an attack upon any one of their number by a non-American state, or possibly by an American state? Thus far, the inter-American principle of collective security has been limited to attacks coming from without the hemisphere.[14] It has been a system of

[12] The two principles appear as Article V of the Juridical Committee's Reaffirmation of Fundamental Principles, with marginal references to documents.

[13] See below, note 23.

[14] The proposed "Act of Chapultepec," now under discussion at Mexico City, appears to be directed to the extension of the inter-American principle of collective security to include mutual protection by the American States of any one of their number against the attack of any other.

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continental defense against extra-continental aggression, a continentalization of the principle of the Monroe Doctrine. Declaration XV of the Havana Meeting of Foreign Ministers provided that "any attempt [attack] on the part of a non-American State against the integrity or inviolability of the territory, the sovereignty, or the political independence of an American State" should be considered as an act of aggression against the states which signed the declaration. Consultation was provided for in order to agree upon the measures it might be advisable to take. The declaration did not go to the length of a formal alliance, but the principle it established was that of mutual defense; and provision was made for negotiating complementary agreements by which the principle might be put into effect. At the meeting of Foreign Ministers in Rio de Janeiro, the American Republics reaffirmed their declaration "to consider any act of aggression on the part of a non-American state against one of them as an act of aggression against all of them, constituting as it does an immediate threat to the liberty and independence of America." On this occasion, the act of aggression had already been committed; but the meeting did not consider its members obligated to go to war in defense of the United States. It merely recommended the breaking off of diplomatic relations, together with other measures designed to suppress subversive activities by the agents of the Axis Powers and to render assistance to the United States short of war.

The legislative organ of the inter-American system (or the policy-forming organ, if the term "legislative" is too strong) was, until the year 1939, the International Conference of American States. Five years is the normal interval between the conferences, the eighth having been held at Lima in 1938. An additional Conference for the Maintenance of Peace was held at Buenos Aires in 1936, of equal authority with the regular conferences.[15] These conferences function according to the principle of the full juridical equality of all of the American states. Each state has one vote, and each is entitled to send as many delegates and technical assistants as it may find convenient. While resolutions, recommendations, and declarations may be adopted by an absolute majority of votes, the principle of equality protects any state against being bound by a resolution or declaration to which it has not given its individual consent. In consequence, every effort is made to obtain unanimity of agreement, generally by broadening the phrasing of the obligations to be assumed.[16] Where

[15] The Conference now being held in Mexico City appears to have a special character which cannot for the moment be exactly determined.

[16] The "Conclusion" approved at the Meeting of Foreign Ministers at Rio de Janeiro in 1942, under the title "Breaking of Diplomatic Relations," par. III, is an interesting illustration of the dilution of obligations to secure unanimity of agreement.

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this is not possible, states may enter the usual reservations either at the time of signing the agreement or, in the case of a convention, at the time of ratification.

The competence of the international conferences of American states is far-reaching. Until recent years, the more important agreements of the conferences, involving a modification of existing rights or the assumption of new obligations, were drawn up as formal conventions, signed by the delegates to the conference, and then submitted for ratification by each state. Delays in ratification and the failure of some states to ratify at all led at the conference at Lima in 1938 to the avoidance of conventions and the substitution of resolutions and declarations entering into force upon signature by the delegates. The juridical obligation of these resolutions and declarations is a question as yet unanswered; but whatever it may be, the American states have shown every intention of respecting their resolutions and declarations, without raising any question whether in certain cases, as in that of the Declaration of Lima or the Havana Declaration on Reciprocal Assistance, the obligations assumed might, under other than emergency conditions, have more properly been drawn up in treaty form, subject to ratification in due course.

In addition to resolutions and declarations, inter-American conferences have adopted numerous recommendations to be carried out by the individual governments or by various administrative agencies. No clear distinction as yet exists between recommendations made directly to the governments and the resolutions and declarations which enter into force upon their adoption; and an additional element of uncertainty as to their relative force appears when a conference "resolves" and "recommends" in the same document. These, however, are technical rather than practical problems, and they bear, not upon the competence of the conference, but upon the effective execution of its decisions.[17]

The machinery of consultative meetings of Foreign Ministers was given definite shape at the Lima conference of 1938, and in pursuance of the provisions there adopted the "First Meeting of Ministers of Foreign Affairs of the American Republics" took place at Panama in September, 1939. A second meeting followed at Havana in July, 1940, and a third meeting at Rio de Janeiro in 1942. While the meetings are intended to bring about direct consultation between the Ministers of Foreign Affairs, the appointment of a specially authorized representative of the Foreign Minister is permitted when necessary.

The competence of the consultative meeting would appear to be the

[17] The Juridical Committee is at present engaged in a study of the resolutions, declarations, and recommendations of consultative meetings of Foreign Ministers, in pursuance of Resolution XXVII of the Rio meeting.

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same as that of a conference.[18] For although consultative meetings are supposed to be called for a particular emergency, and their agenda is thus more limited in scope, they have refused to be held within the limits of their agenda. New topics have been introduced having little or no relation to the main subject. Decisions of earlier conferences have been modified by later consultative meetings, precisely as they might be by a later conference. In principle, there is no reason why this should not be so, since the Foreign Ministers come to a consultative meeting with the same credentials given to the delegates to a conference. Whether, in the future, consultative meetings are to be held more strictly to the special emergency problem which they are called to consider will be purely a matter of convenience.

Such is the legislative, or policy-forming, machinery of the inter-American system. We may turn next to its executive or administrative machinery. Here we are confronted with the Pan American Union, which has come to play an increasingly significant rôle in the development of inter-American relations.[19] Beginning as a commercial bureau of information, the Union has gradually been assigned new administrative functions, so that it now acts not only as the permanent secretariat of the inter-American conferences and consultative meetings of foreign ministers, but as the secretariat of a number of the autonomous commissions and committees which have no permanent office of their own. For reasons familiar to students of inter-American relations, the Pan American Union has been denied the right to exercise functions of a political character. But inasmuch as these have never been defined, the Governing Board of the Union has been able to extend the functions of the Union and to take decisions in numerous matters not specifically placed under the jurisdiction of the Union, without having as yet been called to account for political activities.[20]

It is to be expected that the Conference at Mexico City will seek to

[18] This opinion is personal, the question being under discussion by the Juridical Committee.

[19] The Pan American Union was originally the "Commercial Bureau of the American Republics," functioning as an agency of the "International Union of American Republics." At the Fourth International Conference of American States, held at Buenos Aires in 1910, the bureau was given the name "Pan American Union," which has tended to create confusion between the Union and the Union of the American Republics which maintains it as one of its organs or agencies. *International Conferences of American States, 1889–1933*, pp. 172, 268, 398.

[20] See, in respect to possible political activities of the Pan American Union, the observations of the Executive Committee on Post-War Problems of the Governing Board of the Pan American Union," Pan American Postwar Organization," *Pan American Union Publication*, 1944, p. 15.

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strengthen the position of the Pan American Union and to extend its functions so as to make it, in a comprehensive sense, the secretariat of the entire inter-American system, removing the restriction upon the exercise of "political activities" and bringing within its supervisory control the administrative agencies now operating more or less autonomously. Under its present director general, Dr. Leo S. Rowe, the Union has demonstrated so clearly its character as an inter-American agency detached from the special influence of any particular country, notably the influence of the country in which it is located, that there should be no ground for hesitation in ascribing larger powers to it—powers comparable, if on a considerably smaller scale, to those possessed by the secretariat of the League of Nations or to those to be assigned to the secretariat of the new international organization.[21]

In addition to the Pan American Union, the American states have created from time to time some thirty-six administrative agencies having as their object the promotion of special political, economic, and social interests. Some of these agencies have offices with a permanent secretariat, others function by means of correspondence among their members. Their headquarters, where such exist at all, are scattered throughout the hemisphere, and at present there is little or no coördination of their activities, even when functioning within the same general field. In a recent report of its Executive Committee on Post-War Problems, the Governing Board of the Pan American Union has recommended various ways in which the functions of these agencies might be brought into closer relation with the Pan American Union.[22] The report stops short of proposing a closer organic relation between the different agencies; but it is clear that greater efficiency could be obtained it they were more closely integrated with the Pan American Union.

What is to be the future of these numerous inter-American agencies after the new international organization has been established and the Economic and Social Council, with its technical commissions, has begun to map out the program contemplated in the Dumbarton Oaks proposals? The problem is outside the scope of the present survey, as is the larger problem of the coördination of the inter-American system as a whole with the new organization. But it is clear that readjustments must take place, and that in the course of time duplication of functions will be eliminated and organic integration of the agencies themselves will be effected when found desirable. The problem is already under consideration by the Pan American Union and by the Inter-American Juridical Committee.

[21] Press reports indicate the adoption by the Conference at Mexico City of a plan for the reorganization of the inter-American system which will include a modification of the composition of the Governing Board of the Union as well as an extension of the powers of the Union.

[22] *Pan American Postwar Organization*, p. 11.

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Outstanding among the features of the inter-American system is the series of agreements entered into from time to time for the pacific settlement of disputes between the American states. Reference has already been made to these agreements in connection with the obligation of pacific settlement as a fundamental principle of international law. The procedures themselves established by these agreements are of the widest variety, having been provided for in a succession of treaties and conventions running from 1923 to 1936.[23] They include the standard procedures of mediation, investigation, conciliation, and arbitration; and in addition there are two unique procedures, one looking to the prevention of controversies and the other providing a form of mediation somewhat analogous to what is known in private law as "settlement out of court." It is to be noted, however, that the above procedures do not include the procedure of judicial settlement, in the sense of submission of the dispute to the Permanent Court of International Justice.[24]

What sanctions are there in the inter-American system to secure the observance of the specific obligations of peaceful settlement, as well as of the general obligation undertaken in the Anti-War Treaty of 1933 and the Coördination Treaty of 1936? At present, the only sanction, if it can be called a sanction at all, is the procedure of consultation, which has been made applicable not only in the event of an attack upon an American state by a non-American state, but in the event of a possible threat to the peace arising within the inter-American community. No provision is made, however, for determining which of the parties in controversy might be responsible for the failure of the procedures of peaceful settlement; indeed, even the suggestion of the moral pressure of the collective judgment of the community is weakened by a provision in the Coördination Convention of 1936 for the adoption of a "common and solidary" attitude of neutrality in the event of an outbreak of hostilities between the parties in controversy.[25]

Inasmuch as the inter-American system has no charter or statute fixing definitely the relations of its members to the central organization and their relations among themselves, there is no need of provisions for the

[23] *Op. cit.*, p. 14.

[24] The Inter-American Juridical Committee, in its report on the coördination of inter-American peace agreements (*op. cit.*, p. 31), makes provision for the procedure of judicial settlement in its alternative coördination draft, contemplating the ultimate membership of all of the American states in the Permanent Court of International Justice.

[25] With the extension, according to forecasts of the action of the conference at Mexico City, of the inter-American security system to include an attack by one American state upon another, the neutrality provisions of the convention of 1936 should disappear without notice from inter-American law, as they doubtless will from international law when the charter of the new organization is adopted at San Francisco.

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amendment of the system. Any conference or consultative meeting of Foreign Ministers may annul or amend previous agreements, provided, obviously, that in the case of treaties the provisions for their termination are duly observed.

To forecast the future of the inter-American system would be beyond the scope of the brief summary of its characteristic features here presented. The Conference now in session at Mexico City gives promise of introducing important, though apparently not fundamental, changes; and, as has been observed above, it is to be expected that there will be need of readjustments in the system in order to bring it into conformity with the obligations to be undertaken by the American states, together with the other members of the international community, in the charter of the new organization to be established at San Francisco. The two systems are not in conflict, but rather mutually supplement each other; and the maintenance of law and order in the community at large and the promotion of the economic and social welfare of its members may be expected to bring about new opportunities for coöperation within the inter-American regional group.

III. THE RÔLE OF LATIN AMERICA IN RELATION TO CURRENT TRENDS IN INTERNATIONAL ORGANIZATION

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Latin America's part and problems in the international order that is now emerging have not taken final shape at the present writing (March, 1945), and may not do so for some time after the United Nations Conference scheduled to open at San Francisco on April 25. Nevertheless, most of the main outlines seem to have been sketched in by recent developments, notably by the Dumbarton Oaks Proposals of October, 1944, and two subsequent conferences: the Great-Power conference held at Yalta in February of this year, and the Inter-American Conference on Problems of War and Peace (commonly called the Chapultepec Conference) held at Mexico City in February and March.

I

The Dumbarton Oaks Proposals, although neither complete nor definitive, did give an official and rather detailed picture of the kind of general international organization the Great Powers were planning to establish. From the point of view of this paper, the two principal features of the plan were (1) that it established a pattern of Great Power ascendancy in the

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general organization, particularly with reference to its central organ, the Security Council, and (2) that it encouraged the development of regional arrangements and agencies, such as the inter-American system, within the framework of the general organization (Proposals, Chap. VIII, Sec. C). The former feature was reinforced by the Yalta Conference, the latter by the Chapultepec Conference, which was devoted primarily to the task of strengthening the inter-American system and adapting it to the projected general organization outlined by the Dumbarton Oaks Proposals.

Taken together, the Proposals and the work of the Chapultepec Conference represent a policy decision of crucial importance on a problem that had been the subject of warm debate in public, and still more in governmental circles, for many months past. The question was, what, if any, part regional organizations and arrangements should be permitted to play in the new world order. It involved not only the regional system that already existed in America, but also similar systems that might be established in other parts of the world, such as the Council for Europe and the Council for Asia suggested by Mr. Churchill early in 1943, and the cluster of satellite states that many observers thought the Soviet Union was planning to form about itself.

Consequently, the problem of what to do with the inter-American system in the new order could not be considered simply on its own merits as an isolated problem. If that had been possible, the question would have been relatively easy to answer; for this system had proved its usefulness in many ways and had not developed any attributes of exclusivism or closed regionalism that would make it an obstacle to the successful functioning of the projected world organization. Many observers feared, however, that if regional organizations were permitted to arise in other parts of the world, they might develop such attributes, cripple the world organization from the start, and pave the way for a new world war by dividing the world into rival spheres of influence, each dominated by one of the Great Powers. Since regionalism could not be fostered in one part of the world while it was being denied to the rest of it, there was strong support for the proposition that when the new world order was set up regionalism everywhere should be suppressed, or at least denied any significant functions in relation to the maintenance of peace and security. The future of the inter-American system hung in the balance for many months while plans for the new world order were being matured in the secrecy of government offices; and the publication of the Dumbarton Oaks Proposals, which not only approved but encouraged regionalism, came as a great relief to those well-wishers of the system who had been aware of the crisis through which it was passing behind closed doors.

Even the action taken at Dumbarton Oaks did not settle the question finally. The Proposals were just what their name indicated and did not

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constitute a definitive plan or a binding commitment, even on the part of the Great Powers whose delegates had drawn them up. It therefore remained to be seen what action would be taken in response to their encouragement of regionalism. In so far as the inter-American system was concerned, the decision rested with the governments of the United States and Latin America, and their probable course of action was still in doubt on the very eve of the Chapultepec Conference. For example, only a week before the Conference convened, a usually well informed journalist reported from Washington on purportedly high authority that the policy of the United States government at Mexico City would not be to consolidate and strengthen the inter-American system, but on the contrary to divest it of the political and military character that it had already acquired, mainly since the outbreak of the present war, and to reduce it to the relatively minor rôle that it had played before the inauguration of the Good Neighbor policy and the development of the hemispheric defense system.

The plan actually proposed by the United States delegation at Mexico City proved that this journalist's "authoritative" information was completely erroneous; but the error is understandable, for the story he told was widely circulated and credited in Washington at the time. These circumstances suggest that even at this late date official opinion was split wide open on the question of the future development of the inter-American system. However that may be, the decision finally taken in Washington was in favor of strengthening the system, and the plan presented by the United States at the Conference indicated in detail the precise measures by which this purpose was to be accomplished.

Since the majority of the Latin American governments were working towards the same goal, with some of them ready to go even farther than the United States, the result was the adoption of an impressive series of alterations in the inter-American system, the net result of which was to tighten its ties and extend its powers to an unprecedented degree—all, of course, within the framework of the general international organization. Among the principal changes were the following: for the first time, it was given clear-cut authority to impose sanctions and to intervene in inter-American disputes; meetings of Foreign Ministers were put upon a regular, annual basis instead of an occasional, emergency one; and new life was put into the Pan American Union by giving it jurisdiction over inter-American disputes (which had hitherto been denied it) and by providing that the members of the Governing Board should be specially and exclusively designated for that purpose, whereas formerly the Latin American diplomatic representatives to the United States had done double duty by serving in that capacity.

Although the foregoing remarks contain few specific references to the

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Latin American states, they provide a background which is essential for the discussion of the subject of this paper. For while the shape of things to come is not entirely clear and its present outlines may perhaps be greatly altered by important decisions that still remain to be made, the developments discussed above create a strong probability that the future rôle of Latin America in international organization will be determined to a great extent—to a much greater extent than formerly—by its relationship to the United States in the American regional system. The rest of this paper will be devoted to a consideration of the principal factors that determine the international rôle of Latin America, with a view to ascertaining how these are likely to affect or be affected by the decisions recently taken at Dumbarton Oaks, Yalta, and Mexico City. The discussion will be confined largely, although not exclusively, to the political aspects of the question;[1] and some attention will be given to historical data that seem to indicate important trends.

II

Among the factors that play an important part in determining the international rôle of Latin America, the following seem particularly pertinent to the present discussion.

(1) *Political Fragmentation.* Politically speaking, there is no such thing as Latin America; there are only the twenty independent, highly variegated states south of the Rio Grande to which we give a specious unity by calling them all "Latin American." To be sure, there are many ties and points of similarity among them, some of which will be noted below; but they also differ greatly from one another in other respects—such as language, area, population, and climate—and the obstacles to unity have increased in recent years, mainly because many of them have experienced a rise of rather exaggerated nationalism. Two conspicuous illustrations of this lack of unity have recently been given by Argentina and Brazil. For the past three years, Argentina has been following a policy towards the present war which is not only independent of, but contrary to, that of the rest of Latin America; and it is a matter of common knowledge that Brazil has been seeking to obtain for itself a position of preëminence over the rest of Latin America in the projected general international organization. These facts are well known, but they need to be emphasized here because of their pertinence to the question under consideration. They make it highly unlikely that the Latin American states will act as a *bloc* in dealing with the important international problems of the present or the visible future.

[1] The economic aspects of the question are discussed in an excellent article by Henry C. Wallich, "The Outlook for Latin America," *Harvard Business Review* (Autumn, 1944), pp. 65–78.

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(2) *Economic Colonialism.* Though in varying degrees, all the Latin American nations are economically colonial, and their dependence is mainly upon the United States, Great Britain, and (in "normal" times) Western Europe. Consequently, all of them (even those of the Pacific coast) are economically an integral part of the Atlantic world, but their position in it is one of inferiority. Their leaders not only admit these facts, but insist upon them and make them a basis of national policy—a policy designed to gain what they call economic independence for their respective nations. Since they believe that the two main causes of their economic colonialism are, first, that Latin American economies are based mainly upon the production of foodstuffs and raw materials for export, and, second, that a large part of the means of production and distribution in Latin America is owned by foreign investors, the two principal devices by which they seek to gain their independence are industrialization and the establishment of controls over (or the expropriation of) foreign holdings.

Between World Wars I and II, various Latin American governments pursued one or both of these objectives with considerable vigor and some success. Since 1939, however, wartime conditions have checked this movement, and in some respects Latin America seems likely to emerge from the war in an even greater degree of "colonial" dependence than before the war. The war has made it difficult or impossible to obtain equipment for expanding—in some cases even for maintaining—Latin American industry. At the same time, it has put a high premium on the production of raw materials, thus stimulating this "colonial" type of economic activity. It has also led to a general (and, in some countries, an extremely steep) rise in prices.

In these and other ways, the war has created complex and difficult problems of postwar readjustment which the Latin American governments will not be able to solve without foreign aid. For example, although several of them have accumulated large dollar and sterling balances, these will not be adequate to their postwar needs, and extensive foreign credits will be required. In such a situation, the governments will be less free than formerly to extend controls over foreign investments. It is this prospect that has led most of them to favor strongly the establishment of an International Fund of the kind proposed at Bretton Woods, since they hope that this would enable them to obtain the desired financial assistance without exposing themselves to the dangers of economic imperialism inherent in loans obtained on a national basis. Whether this hope is well grounded remains to be seen.

From present indications, they are more likely to have to depend upon bilateral relations with one or more of the greater states. Some of them—notably Argentina—may swing back to their former position in the British

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orbit. Others, such as Chile and Mexico, hope that the increasing interest that the Soviet Union has recently been displaying in Latin America will yield them new and important economic benefits. Yet it is difficult to believe that any country except the United States has the combination of political interest and economic strength necessary to provide Latin America at large with the continuing economic assistance it will need in the long period of postwar readjustment that lies ahead. Consequently, many Latin Americans (among them the Mexican Foreign Minister, Ezequiel Padilla) have urged the establishment of an at least partially closed regional system supported by the United States and including what may be called a "hemispheric" protective tariff system—not permanently, but at least for a long transitional period. This is an issue that is likely to be pushed more strongly as the tapering off of wartime purchases in Latin America intensifies the already serious economic difficulties facing that area.

(3) *Military Weakness.* Although there are great inequalities among the Latin American states in point of both actual military power and war potential, when compared with the Great Powers they all fall into the same category in this respect. This has always been true throughout their history and is likely to continue to be true for a long time to come. It is true even of Brazil, which has recently become the leading military power in Latin America, partly through its own efforts and partly because it has received more than half of all the Lend-Lease aid given by the United States to Latin America. Brazil is the only Latin American country that has sent an expeditionary force to any of the battle-fronts—although at last reports this force (which was in Italy) consisted of only two divisions. This is not said with any intention of reflecting on the war effort of Brazil or Latin America at large, for most of our Southern neighbors have contributed to this effort loyally and effectively. The purpose is merely to emphasize the fact that a great discrepancy in military strength still exists between the Great Powers of the world and all the nations of Latin America. This discrepancy has been increasing throughout the past half-century as a result of the growing mechanization of warfare and the failure of Latin America to keep pace with the Great Powers in the development of the industries that produce modern machines. When the veil of military secrecy is lifted at the end of this war, it will probably be seen that, in comparison with the Great Powers, Latin America is weaker than it has ever been before.

Recent developments in plans for postwar organization have given a new significance to the inferiority of the Latin American nations in this respect. Their weakness has always made them vulnerable to aggression. If present plans are carried out, it will also limit their participation, in common with that of all other small states, in the most important body

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in the new international organization, the Security Council. Most Latin Americans recognize, however, that this differentiation between large and small powers is necessary and reasonable; and while it gives them a certain community of interest with the other nations of the small-power category in other parts of the world, this interest is not likely to become strong enough to draw them away from their regional association with the United States.

III

The special political and military relationship of the Latin-American states to the United States is so important a factor in shaping their international relations at large that it calls for more extended discussion. It is difficult to give a precise and authoritative definition of this relationship, which is an intricate web composed of both the older bilateral relations as well as the newer multilateral relations, and which has found formal expression chiefly in hemispheric pronouncements that conceal as much as they reveal of the realities of the situation. Even if a satisfactory definition could be found, it would probably be less useful for the present purpose than a description of the principal functional elements in the relationship. In the chronological order of their appearance, these are: (1) the Monroe Doctrine, (2) the inter-American system, and (3) the increasing preponderance of power of the United States in the Western Hemisphere. Limitations of space require extreme brevity in pointing out the significance of each of these elements in relation to the subject of this paper.

The significance of the Monroe Doctrine has long been a subject of controversy, and in recent years the problem has been further complicated as a result of the so-called Pan Americanization, or continentalization, of the Doctrine. Ever and anon since 1936 we have been assured that some new inter-American instrument has Pan Americanized or supplanted the Monroe Doctrine; the statement was made again very recently in connection with the Declaration of Chapultepec adopted by the Inter-American Conference at Mexico City. This may be so in a technical sense, and yet if we look at the realities of the situation, we may come to a different conclusion. Official Washington has done little to clarify the problem. It has not made any definitive pronouncement on the subject in recent years, though it has fostered the belief that the Doctrine has in fact been Pan Americanized, in the sense that the objectives of the Doctrine are now pursued through coöperative inter-American action and not, as formerly, through unilateral action by the United States. Nevertheless, though the Doctrine is never paraded in public these days, the sound view seems to be that the Pan Americanized version has not superseded the unilateral Doctrine, but has merely been superimposed upon it.

In this connection, two observations are pertinent. The first is that (as

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explained more fully below in connection with the inter-American system) inter-American policy and action are determined largely by the United States, particularly in the more important cases, such as those involving hemisphere defense, so that as regards decisions leading to action, the distinction between the original Doctrine and the Pan Americanized version of it is largely verbal. The second observation is that unilateral action by any of the American states (including the United States) for the main purpose of the Doctrine, the defense of the Western Hemisphere against external aggression, was specifically authorized by one of the inter-American instruments adopted by the Meeting of American Foreign Ministers at Havana in 1940. It should also be noted that the unilateral Doctrine has never been explicitly abrogated or disavowed by our government. It has been changed only in that the excrescences which had grown up on it before 1930 have been lopped off and that the other American nations have obligated themselves to join in supporting its main objective.

At any rate, whether or not one wishes to use the term "Monroe Doctrine," the essential features of the system contemplated by it still exist. The United States still determines whether or not the hemisphere is to be defended; it can still take unilateral action to this end; and it still bears the main burden of the defense. The chief difference is that it is far better able to bear this burden now than ever before. This situation is well understood by the Latin American nations, and they know that it affords them a greater degree of of protection against external aggression, and at lower cost to themselves, than is enjoyed by any other group of small powers in the world. This consideration, together with their need of the economic aid and coöperation of the United States in the postwar period, explains why most of them wish to maintain, and even strengthen, their regional relationship to the United States in the postwar period—a relationship to which in many other respects they are indifferent if not antagonistic.

How this situation will be affected by the establishment of the general international organization remains to be seen. Present indications are that no substantial change will be made. To be sure, we have no reason to expect that the League Covenant's oracular pronouncement respecting the Monroe Doctrine as a "regional understanding" will be repeated in the charter of the new organization. On the other hand, any material interference with the decisive rôle that the United States actually plays in this respect seems unlikely, in view of the fact that this country will be a senior partner in both of the international organizations (the general organization and the inter-American system) that will have jurisdiction over American security questions under the new dispensation. In one respect—the protection of the American republics from aggression by one of their own number—the security functions of the United States in this hemisphere may actually be augmented as a result of the agreement on

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this subject entered into by the Chapultepec Conference; but this is a question that never lay within the scope of the Monroe Doctrine.

IV

The inter-American system is a much more important factor in Latin American affairs today than it was a decade or more ago, largely because it has been considerably strengthened in recent years and has begun to assume the character of a genuine regional system. In 1943 and 1944, it suffered from internal dissension over a number of questions (especially the Argentine problem) and from neglect by the United States, whose attention seemed to be largely absorbed by the war and by negotiations with the other Great Powers. In the closing months of 1944, however, our government addressed itself to the urgent inter-American problem with a zeal and vigor that indicated a determination to make up for lost time. The results to date appear to have been very satisfactory, especially as regards the Chapultepec Conference (the first consultative meeting of the American republics since January, 1942).

As already noted, that Conference adopted a number of highly important measures designed to strengthen the inter-American system within the framework of the general international organization. It also placed the thorny Argentine problem in the way of settlement[2] (though this was obviously done under pressure from a number of the Latin American republics that sympathized with Argentina, and at the cost of a retreat from the high ground taken by most of the American governments only a few months earlier). The Conference gave a general endorsement to the projected general international organization. In this connection, however, a rift appeared between the United States and the Latin American republics. The latter insisted upon drawing up several amendments to the Dumbarton Oaks Proposals for presentation at the San Francisco Conference, with a view to improving the position of the small powers, placing the reign of international law on a firmer footing, increasing the autonomy of the inter-American system in regard to inter-American disputes, and for other purposes. The United States opposed any inter-American action of this kind and refused to sponsor the amendments at San Francisco, although all of them were supported by a majority of the Latin American delegations, and some unanimously.

It should be noted, however, that this question, which was not strictly an inter-American one, was the only important question for which the Conference failed to find a generally acceptable solution. There was also wide disagreement on the Argentine problem in the early stages of the

[2] Contrary to expectations, the resolution on Argentina was not presented for formal approval at the final plenary session of the Conference, but it was approved by all the heads of delegations.

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Conference, but it was finally overcome by a formula. On the whole, the meeting was a distinct success. It appears not only to have arrested the serious deterioration in inter-American relations that had been going on since the summer of 1943, but also to have opened a new phase of development which promised to be the most important in the history of the system.

From the point of view of the Latin American states, the inter-American system as it has so far functioned has had one great advantage and one serious, though less weighty, disadvantage. On the one hand, this system has regularized, and has enabled them to derive extensive benefits from, the special relationship to the United States in which geography has placed them, and in which they would stand even if there were no inter-American system. It has made it easier for them to obtain the aid and coöperation of the United States in economic, technical, and other matters of considerable moment to themselves; to induce the United States to accept their views on important political questions (for example, to accept the principle of absolute non-intervention, adopted at the Buenos Aires Conference of 1936); and to give a measure of reciprocity to the military protection that they receive from the United States—a change which has probably increased their security and has certainly pleased their national pride.

On the other hand, the system has had the disadvantage of limiting the freedom of action of the Latin American states by bringing them closer into the orbit of the United States. To be sure, the latter has for a number of years shown scrupulous respect for the basic inter-American principle of juridical equality within the proper sphere of that principle, which is legal. But in the realm of policy the crucial inter-American decisions have usually (though not invariably) been made in Washington. Thus, when the United States followed a policy of rigorous neutrality and so-called "isolation" from 1935 to the fall of France, inter-American policy, too, was one of neutrality and what may equally well be called isolationism on a continental scale. When after the fall of France the United States shifted to non-belligerency and intervention, inter-American neutrality became meaningless; and when the United States entered the war, inter-American policy was changed again and was thenceforth directed towards promoting the war effort. To give another example even more germane to the subject of this paper, so long as the United States was unwilling to have the problem of general international organization discussed on a regional American basis, no such discussion was held. When the United States gave the green light (as it did only after the Dumbarton Oaks meeting), the Inter-American Conference at Mexico City was promptly called and this subject, in its inter-American aspects, was made the first item on the agenda.

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It is this sort of thing that has given rise to the long-standing Latin American complaint that the Pan American Union lies in the shadow of the Washington Monument and is in effect a branch of the State Department. From present indications, there is little if any likelihood that this ground of complaint will be removed in the postwar period, whether by the establishment of the projected general international organization or otherwise. Indeed, at the present writing, the inter-American system seems likely to become more than ever before an instrument of United States policy. Without venturing into the field of conjecture, we may point out certain established facts which point in this direction: first, that the United States possesses a greater preponderance of military and economic power in the Western Hemisphere than ever before; and second, that the present plans for a general organization have established a pattern of Great-Power ascendancy which can hardly fail to affect the inter-American system, especially since this system is to be fitted into the framework of the general organization.

In the latter respect, the new organization differs materially from the League of Nations; for the latter had no organic relation to the inter-American system. The two were entirely separate and distinct entities, and while there was some coöperation between them, there was also a certain degree of rivalry. For these reasons, the League was attractive to many Latin Americans, who welcomed it as an alternative or counterpoise to the hemispheric system. The new plan contains no such feature: regional organizations and arrangements are encouraged, but they are to exist, not outside the world organization, but within its framework. Moreover, as small nations, the Latin American states will find the general organization less attractive than they found the League. As some of their writers have already pointed out, the ancillary social and economic organizations of the new order appear to be developing along lines that are more "democratic," and therefore more to the taste of the small states; but the central organization, with its dominant Great-Power pattern, seems to have no great charms for them.

These considerations increase the probability that in the postwar world most of the Latin American states will willingly associate themselves with the United States even more closely than before in a regional system which is apparently entering upon a new period of growth and of increasing activity for the promotion of the defense and general welfare[3] of its members. If the crucial decisions leading to this development were not

[3] Because of limitations of space and the primarily political character of this paper, no consideration has been given in it to the "general welfare" aspects of the inter-American system; but it should be noted that in this respect, too, action is being broadened and intensified, as illustrated by the great amount of attention given by the Chapultepec Conference to American standards of living and other social and economic questions.

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made in the Latin American capitals, and if the relationship bids fair to be one of continued and perhaps increasing tutelage, most of the nations of that area may nevertheless be expected to give greater weight to the juridical equality, the security, and the other advantages they derive from the inter-American system, and to coöperate in the new phase of its development now opening.

IV. CONSTITUTIONAL DEVELOPMENT IN LATIN AMERICA: A SYNTHESIS

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"Do not give to a people institutions for which it is unripe in the simple faith that the tool will give skill to the workman's hand. Respect Facts. Man is in each country not what we may wish him to be, but what Nature and History have made him." Bryce, *Modern Democracies*, I, 206.

With minor exceptions, the panorama of constitutional growth in the Western Hemisphere reveals two main streams. The United States Constitution, the British North America Act of 1867 (which is the Canadian fundamental law), and the organic laws of the various New World British possessions of today all stem, obviously, from English constitutional and institutional ancestry. The constitutions of the twenty Latin American states, on the other hand, all reflect in varying degree the experience and institutions of their three mother countries. These modern constitutions are, it is true, influenced by alien examples at one point or another, but the core is undubitably Latin. More narrowly, the inspiration is Hispanic; and still more narrowly, Spanish.

It is not easy to explain in detail the degree of similarity between French political institutions and those of the Iberian peninsula in the centuries between the emergence of the several national states and the political revolutions in Latin America. At least, the French belonged to a not unrelated family. A much closer relationship is easily discernible among the political institutions of the three main Iberian entities that ultimately became the national states of Spain and Portugal, viz., Castile, Aragon, and Portugal. It is often forgotten that for many generations no political or constitutional "Spain" existed, that Aragon and Castile were as distinct from each other in most ways as either of them was from Portugal, that an easily possible union of the ruling houses of Castile and Portugal—supplanting the marriage of Isabella and Ferdinand—might have changed the whole subsequent course of history.[1]

[1] Such a union occurred temporarily, of course, in the "Babylonian captivity" for some decades after 1580.

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Complete amalgamation of Castilian and Aragonese institutions was difficult—indeed, it has scarcely yet taken place, nearly five centuries after that famous wedding of 1469. It is well known that by far the major activity in Spanish exploration and colonization was that of Castile, and that Aragonese influence on the shaping of the New World empire was incidental at best. Hence, though such an Aragonese office as that of the viceroy was early borrowed for both Spanish and Portugese colonial development, and the *diputación general* finds a modern counterpart of sorts in the *comisión permanente*, most of the stream that watered later Latin American constitutionalism was of Castilian origin.

The cisatlantic shaping of the contemporary and recent political institutions of the Latin American states began at least as early as the first decades of the colonial period. Although it is easy to exaggerate the difference in motives, course, and consequences between Spanish (and, for that matter, Portuguese) and English colonization, important variations did exist. In so far as factors influencing political development were concerned, it is worth while to recall that much of English colonization was undertaken in a conscious or unconscious framework of revolt—not revolt in a formal or political sense, but rebellion against the religious, social, or economic constraints that prevailed in England. English governmental neglect was also a factor in explaining weaker colonial institutions. Spanish colonization, on the other hand, was from the beginning strictly controlled, even regimented, by royal mandate that quickly developed into all the institutional formalism represented by the Council of the Indies. This tendency, and especially the attitude of mind it suggested, had an inevitable effect upon the political institutions of the Spanish colonies, which they transmitted to the independent states succeeding them.

It would be unfair and unsafe to generalize by concluding simply that constitutional development in Spanish colonies represented rigidity while in the English it was characterized by flexibility. The Spanish institutions were in many cases the result of adaptation, of conformity to environment or circumstantial influence. On the whole, however, the degree of variation represented by, say, the three general types of colonial government along the narrow North Atlantic seaboard (the corporate, proprietary, and royal) was almost unknown in all the broad extent of Spanish America.

In view of this general uniformity of pattern throughout the other America, it is not surprising that one of the strongest conditioning elements in the whole picture—through thousands of miles of space and hundreds of years of time—has been the seemingly eternal conflict between the centripetal and the centrifugal, between the forces of centralization and those of decentralization. This is age-old. It is by no means

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limited in the New World to Latin America: the great variety of reflections of the "states' rights question" in the United States through a century and a half is eloquent testimony to its prevalence here. In Europe, it has been the problem of devolution in Great Britain, the pathetic struggle of the German Länder to maintain their position, the question of regional or departmental autonomy in France.

In Latin America, this conflict has been one of the most persistently present of all factors. When the Emperor Charles V decreed in 1530 that "without our command, it is not our intention or will that the cities and towns of the Indies meet in convention," he was but taking cognizance of this already crystallized problem. When a "decentralization congress" of disffected Colombian local delegates met at Cartagena in July, 1944, it was reflecting exactly the same problem. Speaking generally, the centralists have had the better of the argument—or at least have usually carried the day—in both the colonial and independent epochs; but the problem is as lasting and basic as the need for government itself.

In the Spanish colonial government, the king and his agents personified the forces of centralization; the *municipalidades* were the bulwark, such as it was, of local autonomy. It is unnecessary to recount all of the geographic, social, and economic contributions to one or the other tendency. Suffice it to remember that during the greater part of the colonial period municipal government languished—that it never attained the splendid vigor it had enjoyed briefly in Castile a few generations before Columbus. The instruments of national unity, such as the uniformity of administration, legislation, and justice, the strong concentration of authority in the royal officials and agencies, and the sustaining hand of the Church, all operated, as long as circumstances remained at all normal, to submerge the localist influences.

The thing that introduced abnormality into the situation was the complex combination of factors that focussed the movement for independence. In the intervening generations, as is well known, the *cabildos* and *ayuntamientos* had become the governmental haven and almost the only political forum of the creoles. That they represented the shadow of authority without its substance would subsequently be of great significance. The early revolutions were in effect movements for municipal autonomy; their development into campaigns for national independence was in some respects only incidental. With Spanish authority expelled, it became certain that a renewed competition between the two tendencies would ensue. Municipal leaders had in many instances taken the initiative in the politico-military resistance of the second decade of the nineteenth century, and their political stage was largely local. On the other hand, the horizon of the average *caudillo* was bounded only by the limitations of his power.

The narrow political training and experience from which most of those

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in authority after the winning of independence suffered was one element in the initial incapacity and confusion that characterized the independent governments. Another element was the fact that no native political institutions had been borrowed on the higher levels by the Spanish or were, at the time of the revolutions, available for borrowing. Hence, those in control had to look abroad and rely on their own judgment in seeking models on which to base their governments.

The search for those models was largely academic and artificial. It was the political philosophers, now having a holiday of constitution-making, who were concerned. As Miss Williams aptly puts it, "What the amateur politicians really attempted was the impossible feat of leaping from political medievalism to modern democracy."[2] The *caudillos* were much more interested in sheer power. The imitative tendency of the early *constituyentes* became a habit that persisted for a century. It is generally accepted that the United States and France were the sources of constitutional inspiration for the fledgling Latin American states. That is true—but it needs to be qualified. Many governmental agencies, especially on the lower levels, were carried over intact from the colonial era. In numerous constitutions, the French influence was funneled through intervening Spanish connections, specifically the liberal constitutions of 1812 and 1820. A recent study has shown, for example, that much of the source for the constitution-making of Central America in the 1820's was not the United States, as has generally been supposed, but rather the Spanish constitution of 1820.

The United States was in a peculiarly favored position to exert an influence. It, like the Latin American states, had a colonial origin. Its frontier position and other factors resembled those of Latin America. Henry Clay and a few others had aroused a fraternal response through the length of the continents. The prestige and the more than four decades of successful operation of a revolution-born government made it inevitable that the Latin American states should look to their northern neighbor in establishing their own governments. Good examples of this imitation are found in the Venezuelan constitution of 1811, the Mexican of 1824, the Argentinian of 1853, and the Brazilian of 1891 (especially the third of these); piecemeal borrowing is present in very many others.

It is not coincidence that the four states just named represent the outstanding examples of Latin American federations. After all, the great contribution that the United States had to make to the organization of members of the modern community of states was the federal principle. Theoretically, it fitted the needs of those of the Latin American states that were larger in area or were poorly knit by reason of difficulties of topography or transportation. On the whole, however, federalism has not

[2] *Peoples and Politics of Latin America*, p. 351.

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been notably successful in Latin America. It is arguable that, other things being equal, the federal type is more difficult to carry on than either the confederate or the centralized. In the third of those named, the national authority need pay only such deference to the component units as graciousness and a sense of fair play dictate: there are no basic constitutional or legal restraints upon its freedom of action. In the confederacy, at the opposite end of the scale, the subdivisions may be as cavalier as they wish toward the central government. Neither type calls for any fundamental attitude of adjustment or compromise. Of course, it can also be argued that from the point of view of practical operation the confederacy is the most difficult to preserve, as witness the experience of the United States between 1781 and 1789.

Federations find it extremely difficult to maintain the *status quo* of any given time. The trend, as suggested previously, is usually toward centralization. The only significant difference in this respect between Latin America and Anglo-America is that in the former the movement has suffered less retardation by the tradition of local self-government. In Brazil, for example, the process has undergone such acceleration and formalization in recent years that it is now a fair question as to whether federalism still prevails in that republic. The process has not been uniform: Colombia and some other states have oscillated. But in most federations the principle itself has suffered—the Latin American examples almost appear to furnish support to those who maintain that federalism is, after all, only a transitional form of government. Thus, one of the great constitutional principles of the United States, imitated in several of her Latin American sister states, has been largely modified in all, practically abandoned in one.

The separation and coördination of powers is another of the deeply rooted principles of the constitutional system of the United States. In part, it was due to colonial experience, in part, it found its inspiration in Montesquieu's *L'Esprit des Lois*. The early Latin American constitutional architects looked upon it and found it good. It was regarded in the United States as a great guarantee against tyranny, and this was considered commendable in Latin America. People in that area had had more experience with arbitrary and tyrannical government than those in the British colonies. That the principle, in addition, had a French theoretic foundation was no discredit. It was all but universally adopted in the scores of Latin American constitutions of all generations. This principle, too, and the system of checks and balances by which it has been implemented, have been profoundly modified in their application in Latin American constitutional systems. "Executive dominance" is an even more common phenomenon in those states than times of crisis have shown it to be in the United States.

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It is in order to cite one further constitutional principle that can be said to be borrowed in part from United States practice and precept. It is that of the protection of private rights. The foundation of United States documentary development of this principle was, of course, the English Bill of Rights of 1689, a great parliamentary milestone in the constitutional history of the mother country. The French Declaration of the Rights of Man and of the Citizen was also a pillar of fire in this regard. Thus, the United States can by no means claim exclusive credit for the inspiration of the Latin American constitutions at this point, although in many of them a definite phraseological similarity is apparent.

The principal borrowing of Latin American constitutionalism from French sources was in the intangible realm of philosophy. Not only in regard to the specific philosophical foundations of one constitution or another were the Latin Americans indebted to the French, but also for the broader egalitarian and republican thought of various eighteenth-century French intellectuals. It is difficult for people in the United States to realize the extent and depth of attraction that the Gallic mind has for generations possessed for Latin Americans. This is as true in the field of constitution-making as in other areas. It was more true, indeed, a hundred years ago than it has been in recent times because of the greater restriction of Latin intellectual horizons in the early period. Rousseau, Voltaire, and Montesquieu were more familiar to and more influential upon early Latin American leaders than were Jefferson, Paine, Locke, and other United States and English thinkers. The finely developed logic of early French constitutions and the artistic symmetry of their political institutions had a strong effect as the Latin Americans essayed their first steps in these directions.

But there are concrete points, as well, that show the French influence on Latin American constitutions. The council of state, found in several Latin American systems at one time or another, owes more to the French than to any other alien model. Parliamentary interpellation, as some Latin American states work it out, resembles the pre-war French practice probably more than the British. The requirement of ministerial signatures to authenticate acts of the presidents is a borrowing from the French. The whole pattern of "decree legislation" is similar to what prevailed in France rather than elsewhere. The scheme of courts of administrative litigation (*tribunales de lo contencioso administrativo*) resembles the former French system of administrative courts. The *ministro de gobernación* is much more akin to the former French minister of the interior than to any British or United States official. Police organization, the development of municipal administration, the device of proportional representation, and the structure of law codes are other specific instances of French influence. The multi-party systems of some Latin American states have much less

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in common with the biparty pattern of the United States or Great Britain than with the former French party system, although at this point it must be admitted that the resemblance is more accidental than intentional.

The influence of English sources upon Latin American constitution-making was considerably less than that of United States or French models, except, of course, as the United States system was itself molded by its English inheritance. At the formative stage of Latin American constitutional development, contacts with Britain (other than commercial) were comparatively unimportant. If it is assumed that parliamentary or cabinet government is an English contribution to the world's constitutional evolution—and certainly that country furnished the prototype—then the few Latin American states that have experimented with it might be said to be indebted to England at that point. But parliamentary government has encountered particularly rough weather in Latin American latitudes. Neither Brazil under Dom Pedro, Chile from 1890 to 1920, nor Cuba since 1940 furnishes a complete or satisfactory example of the operation of genuine parliamentary government. The inspiration for ministerial participation in congressional debate is perhaps as much British as French. Habeas corpus and jury trial are devices of English origin but the latter, in particular, has never taken deep root in Latin America.

In a few instances, the authors of Latin American constitutions, dissatisfied with what the United States and France had to offer, turned to ancient Greece and Rome for inspiration, usually with bizarre and impractical results. The classic example is the famous Bolivian constitution of 1826, the best documentary embodiment of Bolívar's own ideas of the desirable organization of a state.

Just as the early leaders' lack of practical experience with the hard realities of politics pointed toward ill-considered imitation of foreign models, the latter in its turn made almost certain the artificiality and naïveté that were so characteristic of many of the early basic laws. Moral precepts, endless philosophizing, fantastic rhetoric, elaborately impractical governmental machinery, were common in the first constitutions. The early constituent assemblies were devoted to symbol words —the French trinity of liberty, equality, and fraternity, of course, and federalism, democracy, unity, and others—and these were clothed with an almost sacramental virtue; in other words, the approach was ritualistic. Gradually the appearance of callowness and immaturity was sloughed off in successive documents, but there long prevailed the unconscious feeling that a written constitution was the panacea for all political ills, and that if one proved unsatisfactory all that needed to be done was to draft another. That attitude explains in part the passion for constitution-making as a means of regularizing a revolutionary régime: a new fundamental law of his own drafting (though perhaps little changed from

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its predecessor) gave a president who came into office by a *coup* or a revolution a feeling of greater legal security and solidity.

The passing decades of the nineteenth century gave the Latin American states various opportunities to shake off the dead hand of tradition from their successive constitutions. Despite piecemeal experimentation now and then, no nineteenth-century constitution made a successful break with the past. The closest approach was in the Mexican constitution of 1857. That document was born of profoundly disturbed conditions, and it did, indeed, reflect contemporary revolutionary thought in its anti-clerical and other provisions. Had the constitution of 1857 had a fair chance to prove itself, it might have attained the stature of its successor as an innovator. But the early succession of the Maximilianic interlude and the long grip of *Porfirismo* effectively prevented any honest attempt to apply the spirit of that constitution—it was consistently honored in the breach rather than the observance. Another important constitution of the century, the Brazilian of 1891, again reverted to that of the United States for its inspiration. The quick recognition that the United States had extended to the new-born republic, the traditional Brazilian friendship for its North American sister state, and the prestige that the United States then enjoyed as a prototype of republicanism, made such imitation virtually inevitable.

The year 1917 is probably the most significant date in the whole panorama of Latin American constitutionalism. It was the year of the adoption of the new Mexican basic law at Querétaro. This document, like its predecessor, was the product of deep disturbances. But the difficulties that in the mid-1850's had been chiefly religio-economic had now broadened and reflected social facets, too. Politics at either time was but the outward manifestation of the other forms of cleavage. The constitutions, in turn, were only the crystallization of the political thought of the moment.

The broader matrix in which the new Mexican constitution was set was also significantly different from that of three-score years earlier. It is true that at the earlier time Mexico's northern neighbor was rapidly plunging toward an abyss, but it was a local crisis. Latin American conditions and the general world scene were placidly Victorian. Hence, the waves of influence that would have spread out from the constitution of 1857—even assuming that they were not to be dammed by the French intervention—might easily have fallen on unresponsive shores. In 1917, the situation was radically changed. The World War had been rocking preconceived notions for almost three years. Military collapse was full upon Russia as the Mexican convention was ending its work, and the social and economic earthquake soon to come in eastern Europe was already rumbling. Though the Latin American area was but casually involved in the war, it could not escape the impact of the conflict. Closer at home, the

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changed relationship of the United States to Latin America since the turn of the century was raising questions that were disturbing—the answers to which the states of the south could not yet give.

New constitutional currents would soon make their appearance in Russia, in the Baltic and Austro-Hungarian succession states, in the Weimar document in Germany, and later in the Spanish republican constitution and elsewhere. The new departure in Mexico antedated all of these, however, and hence, in a narrow sense, it may be described as the product of a strictly national situation. Viewed more broadly, it mirrored a situation that was well-nigh world-wide and certain to come into focus. It was simply Mexico's fate to have the changes crystallize there at an earlier date than elsewhere. Had it not been Mexico, some other Latin American state would soon have won the distinction, at least as within Latin America.

That the changed direction and emphasis were certain does not, however, lessen the significance of the Mexican constitution. Its principles and provisions have been borrowed in varying degree by almost every Latin American constitution subsequently drafted. The Querétaro law provided a formal expression of the political thought of a new generation. The World War had closed the door on what may be called the period of imitation, and the Latin American states were now ready, a century after independence had been won, to write constitutions that would be more inherently national than any that had gone before. Latin American constitution-making had come of age. In the respect that the Querétaro constitution introduced this new era, it may be regarded as symbolically Latin American rather than narrowly Mexican.

The dominant note in the Mexican constitution is its strong and conscious nationalism, both political and economic. Latin American basic laws had regularly prescribed sovereignty and independence, but the Mexican document goes far beyond perfunctory requirements in that direction. This heightened consciousness of nationalism is one of the significantly outstanding political phenomena of contemporary Latin America; and one of the first places where it found formal expression was the Mexican constitution of 1917.

Another of the basic innovations of the new constitutionalism—again illustrated by Mexico—is that "private" property is a social function and that individual rights relating to it can and must be subordinated to the social welfare. The Mexican constitution does not declare this principle as forcefully as some of the others,[3] but its famous Article 27 set the pace for later statements. The Mexicans, because of the long controversies over

[3] The Peruvian constitution, for example, says (in Art. 34): "Property must be used in harmony with the social interest"; and that of Nicaragua states (in Art. 65): "Property by virtue of its social function imposes obligations."

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petroleum and land, were particularly concerned with problems of ownership and expropriation. It was an outstanding illustration of economic nationalism. A consequence was the related trend toward constitutionalizing the "Calvo clause," the provision that an alien should be estopped from ordinary appeal to his country's diplomatic representatives in support of claims. The whole attitude at such points was distinctly at variance with the nineteenth-century tendency to emphasize the doctrines of the natural rights of man and of economic individualism.

It was not alone in the economic seas that new courses were being charted. The same was true of social waters. Mexico's equally famous Article 123 has been called Latin American labor's Magna Carta—an over-rhetorical characterization, no doubt, but still a suggestion of the degree of departure from earlier constitutional channels. Virtually statutory detail concerning all aspects of labor regulation, prohibition of monopolies, restriction of the competition of foreign labor, social security, and provision for the educational and cultural advancement of the working classes are typical of the bold imagination shown by Latin American constitution-makers in these socio-economic fields in the past quarter-century.

Both in recognition of groups—the family, the trade union, cultural organizations—and in emphasis on individual and group obligations as well as rights, the new Latin American constitutions are at one with their post-war European counterparts. It is society that is stressed, rather than the individuals who make up society. It is a further illustration of a distinctly twentieth-century attitude rather than that of the eighteenth century, when modern constitutions first began to be written.

In its strictures on religious organization and activity, the Mexican constitution is less typical. Here, again, the provisions must be set in perspective. "The conflict between the civil power and the clergy" (to borrow the title of a semi-official government apologia of several years ago) had been carved in higher relief in Mexico than anywhere else in Latin America. It was only natural, consequently, that in other Latin American states the religious and ecclesiastical provisions of the constitutions should be couched in more moderate terms, even moving in some instances toward an advanced degree of religious toleration, though at the same time illustrating a tendency toward separation of church and government.

Greater Latin American willingness to experiment has been reflected also in innovations in the structure of governmental machinery and organization. It was no new sort of move when Chile in 1925 formally abandoned the parliamentary system with which it had been struggling for a third of a century; return to the presidential pattern was simply a reversion to type. But when Cuba fifteen years later and Guatemala in

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1945 adopted a semi-parliamentary scheme, that did represent more of a novel step. Peru in 1920 made guarded gestures toward constitutionalizing a species of political regionalism (without going the full distance toward federalism), but the plan was never fully implemented. Uruguay in 1919 began a not altogether happy experiment of a decade and a half with a bifurcated executive branch. Two or three states have taken tentative steps in the direction of functional legislative representation. Cuba has made provision for optional forms of municipal government.

Possibly the most important, though certainly not the most spectacular, experiments of this kind are the provisions in several constitutions, notably that of Brazil of 1937, for technical advances in public administration. In some cases such provisions are perhaps nothing more than imitative gestures, but in others they doubtless possess genuine substance. Traditional executive dominance may thus come to be supplemented by a professionally trained bureaucracy. Whether this means reënforcement or restriction for an arbitrary president depends upon the bent given this evolution in years to come, a question it is yet too early to answer. It is worth while to point out, however, that a development of this sort could conceivably exercise a democratic and leavening influence.

It has long been customary for commentators to point out the divergence between constitutional prescription and governmental practice in Latin America. Another way of putting it is to say that the basic laws have often served as symbols rather than as instruments. Such comments have usually been made in conscious or unconscious disparagement. It seems in order to suggest, however, as scientifically as may be, that to the extent that such characterizations are true, it is because for so many decades Latin American constitutions failed to be the creatures of their own environment; they were simply alien adoptions and adaptations. In the last two or three decades, that condition has been much less true. Social forces such as education, trade union activity, and others now have an increasing impact. It hence seems logical to conclude that with the gradual accretion of experience along these new lines the divergence between governmental fact and constitutional theory will decrease, that most fundamental laws will ultimately come to be instruments as well as symbols. The Mexican constitution has gained prestige—if not a halo or perhaps even a "tradition"—from more than a quarter of a century of operation. Chile's basic law is now two decades old. Colombia's and Costa Rica's are venerable by comparison. And in Argentina the ninety-two-year-old constitution, though temporarily sidetracked, is by no means the less a tradition and force in the popular mind. On the other hand, of course, many constitutions have been replaced in the last decade (often with little change), and the period since mid-1944 has seen four abrogated. In general, however, there is a wholesome and increasing tendency to re-

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gard a Latin American constitution as something not to be cavalierly brushed aside if its observance becomes inconvenient. The inclination to give weight to Viscount Bryce's dictum, with which this discussion begins, gains ground.

A qualification or two must be added. It is still a typical Latin American approach to make new constitutions the product of reason, to base them upon what ideally ought to be. Hence, in some respects, they are anticipatory, and particular provisions may, for many years, lack supporting legislation or even the popular approval to make them effective. In the United States, on the contrary, constitutional changes customarily represent long-debated and finally crystallized public opinion; it is natural that the latter approach should give the appearance of a more practical and enforceable document. As Dr. Gil Borges once put it, the United States attitude is realistic, the Latin American logical. Then, too, the informal growth of constitutions differs importantly as between Anglo-America and Latin America. In the former, "convention" and custom play a larger rôle. The development and influence of judicial review also differ in the two areas.

Until the hemisphere and the world see the end of a period comparable in significance to that which closed with the second decade of this century, we may expect to see present basic trends in Latin American constitution-making continue. No one can tell what may happen in a succeeding epoch.

V. PARLIAMENTARY GOVERNMENT IN LATIN AMERICA

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"Democratic caesarism," whether by military *caudillo* or *doctor en filosofía*, has discouraged administrative efficiency and contributed to political disorganization in Latin America. Concentration of executive authority without responsibility has given free rein to the worst administrative practices of poor presidents without demanding the best from competent chief executives; and, with minority groups in congress dominated by a rubber-stamp majority—the entire legislature gasping in the shade of strong executive government—active groups have turned to revolution as an outlet for political and administrative expression. Poor organization of power and authority constitutes one of the most important problems of government in the Latin American countries, and a dovetailing of a series of approaches probably is necessary for a complete solution —better preparation of leaders, elimination of *caudillismo*, reform of codes and laws to conform with the spirit of the democratic constitutions,

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reorganization of parties along doctrinal lines rather than those of *personalismo*, and development of public opinion and participation in politics by the masses through education and increasing the standard of living.

A number of Latin American countries, however, have experimented with parliamentary and semi-parliamentary government in the hope that by extending to the legislature the prerogative of simple question, interpellation, and vote of censure or lack of confidence, the following objectives might be realized: Parliamentary government might (1) constitute a needed balance against irresponsible, strong executive leadership; (2) serve as an institutional device to absorb party passions and eliminate the necessity for revolution; (3) make for responsible government by majority, with acceptance of the idea of a loyal opposition; and (4) increase interest and participation in government, with clearer definition of rights and duties and greater respect for law.[1]

The experience of the Latin American republics with parliamentary government must be approached in terms of past working attempts and contemporary established systems. The parliamentary and semi-parliamentary forms once employed by Chile, Brazil, and Bolivia, and to a lesser extent by Haiti and Honduras, must not be entirely subordinated to the working systems of cabinet government and ministerial responsibility in Uruguay, Cuba, and perhaps Peru.[2] In addition, however, it

[1] These broad objectives form a meeting ground among thinkers in Latin America concerned with the parliamentary system. Lazcano y Mazón, Andrés María, *Constituciones Políticas de América* (La Habana, 1942), Vol. I, pp. 18–40; Lazcano y Mazón, *Constitución de Cuba* (La Habana, 1941), p. xv; República de Cuba, *Diario de Sesiones de la Convención Constituyente* (La Habana, 1940), Vol. I, Núm. 1, p. 13; Vol. I, Núm. 3, p. 3; Vol. II, Núm. 70, pp. 3–15; Gutiérrez Sánchez, Gustavo, *Constitución de la República de Cuba* (La Habana, 1941), pp. 32, 42–43, 52–53; Alonso Pujol, Guillermo, *El Parlamento* (La Habana, 1942), pp. 16–17; Sánchez Ocejo, Alberto, *Proyecto de Reforma Constitucional* (La Habana, 1939), pp. 73–99; Gutiérrez, Gustavo, *Proyecto de Nueva Constitución para la República de Cuba* (La Habana, 1940), pp. 22–35; Luciano Martínez, José, *Gabriel Terra* (Montevideo, 1937), Vol. I, p. 322; Salgado, José, *La Constitución Uruguaya de 1934* (Montevideo, 1936), pp. 140–158, 163–164; Blanco Acevedo, Pablo, *Estudios Constitucionales* (Montevideo, 1939), pp. 107–209; Huneeus, Jorje, *La Constitución ante el Congreso* (Santiago, 1880), pp. 186–187; Huneeus, *Estudios sobre Derecho Constitucional Comparado* (Santiago, 1891), Vol. III, p. 127; Carrasco Albano, Manuel, *Comentarios sobre la Constitución Política de 1833* (Santiago, 1874), pp. 132–135.

[2] The author has not narrowed the definition of parliamentary government to the British or French model and instead has broadly defined the term as cabinet government and ministerial responsibility. The majority of Latin American scholars accept this definition. See particularly Larrain Zañartu, J. Joaquín, *Derecho Parlamentario Chileno* (Santiago, 1896), pp. 420–500; Roldán, Alcibíades, *Derecho Constitucional de Chile* (Santiago, 1924), pp. 401, 413; Salgado, *op. cit.*, pp. 76–77; República de Cuba, *Diario de Sesiones de la Convención Constituyente*, "Discurso del Dr. José Manuel Cortina," Vol. II, Núm. 70, June 5, 1940, p. 3; Sánchez Ocejo, *op. cit.*,

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must be noted that separation of powers has been modified toward cabinet government in Costa Rica, Chile, Haiti, Mexico, and Panama[3] by permitting ministers to attend the sessions of the legislature and debate but not vote, and in Argentina, Bolivia, Colombia, Ecuador, Guatemala, Honduras, Nicaragua, El Salvador, and Venezuela[4] by permitting the legislature to force ministers to appear and be subjected to questioning.

The most clear-cut working example of a parliamentary system among countries no longer using the form is Chile. The idea of ministerial responsibility is rooted deep in Chile's early independent experience, and the country operated under a complete system of cabinet government from 1891 to 1925. The constitutions of Chile down to the document of 1814 justifying Carrera's dictatorship tended to restrain executive authority in favor of congressional dominance. The documents from 1818 to 1823 were plainly autocratic, and the 1826 and 1828 federal and semi-federal constitutions restated the doctrine of executive omnipotence.[5] On the other hand, the organic law of 1833 balanced the executive and legislative powers so evenly as to encourage each to seek superiority over the other. In Articles 26, 76–92, the basis for cabinet government was set up in that all presidential orders had to be signed by the minister of the appropriate department; each minister was personally and collectively responsible for acts signed by himself and the cabinet; ministers were required to transmit administrative reports to the legislature at the opening of its sessions; cabinet members could be selected from the Senate or Chamber; ministers could attend Congress, debate, but not vote, and the Chamber could charge ministers with misfeasance and malfeasance in office, to be tried before the Senate for violation of their responsibility.

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p. 78; Lazcano y Mazón, *op. cit.*, Vol. I, pp. 17–18. Difference as to definition of the concept of parliamentary government led one American scholar to declare: " . . . Chile is as a matter of fact a parliamentary country *par excellence*"; another to assert: "There are no parliamentary governments in South America." Reinsch, Paul S., "Parliamentary Government in Chile," Vol. III, p. 509, in this REVIEW (Nov., 1909); Burgess, John W., *The Reconciliation of Government with Liberty* (New York, 1915), p. 332.

[3] Constitution of Costa Rica of 1871, Art. 110; Constitution of Chile of 1925, Art. 78; Constitution of Haiti of 1939, Art. 41; Constitution of Mexico of 1917, Art. 93; Constitution of Panama of 1941, Art. 78.

[4] Constitution of Argentina of 1853, Art. 63; Constitution of Bolivia of 1938, Arts. 80–82, 96, 100; Constitution of Ecuador of 1906 (to be changed shortly), Arts., 56, 92, 95; Constitution of Guatemala of 1935, Art. 75 (The new Guatemalan constitution, signed Mar. 11, 1945, embraces a system of ministerial responsibility in Arts. 145–148 very similar to that of Cuba); Constitution of Honduras of 1936, Art. 127; Constitution of Nicaragua of 1939, Art. 228; Constitution of El Salvador of 1939, Art. 103; Constitution of Venezuela of 1936, Arts. 58, 110.

[5] Shaw, Paul Vanorden, *The Early Constitutions of Chile, 1810–1833* (New York, 1931), pp. 181 ff.

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The president, however, could initiate legislation by message, and his executive powers were broadly expressed, including the right to "appoint and remove cabinet ministers at will."

Diego Portales directed government under the constitution of 1833 into strong executive channels, however, and the impetus of this trend gained momentum in the middle of the nineteenth century as conservative presidents, supported by a social and political aristocracy accustomed to relying upon executive power for their privileged status, administered the country honestly and efficiently, and thus did not shake the uninformed masses out of their apathy. The fact that executive leadership characterized government did not preclude the parallel development of the idea of responsibility, and the legislature came increasingly to demand the right to check and criticize the government. Indeed, the beginnings of responsibility have an earlier origin than 1833. In the face of repeated frustrations at the first national Congress of July 4, 1811, the *exaltados*, who wanted ". . . to transform the colony into a country master of its destinies . . . ,"[6] resigned and returned to face their constituencies in a new election. When the moderates later lost their majority and could no longer carry out the program under which they were elected, they too resigned. Some prominent scholars argue that the parliamentary system began with the constitution of 1833,[7] but although simple question appears to have taken place almost from the beginning and on August 31, 1840, and July 20, 1846, the Senate and Chamber established the conditions under which ministers could debate,[8] the first interpellations did not occur until the administration of Bulnes in 1843.[9] Although the first vote of censure against a ministry, that of Domingo Santa María in 1849, was withdrawn after a long debate, the ministry fell anyway as a result of ". . . the force of opinion, . . ."[10] Congress censured the ministry headed by José Joaquín Pérez in 1849, that of Amunátegui in 1870, of Altamirano in

[6] Roldán y Álvarez, Alcibíades, *Las Primeras Asambleas Nacionales, Años de 1811 a 1814* (Santiago, 1890), p. 79.

[7] "En ellos (Arts. 75–92 of constitution of 1833) establece terminantemente el sistema generalmente conocido con el nombre de Gobierno Parlamentario o de Gabinete, según el cual el Jefe de Estado nada puede por si solo, y debe ejercer el Gobierno por medio de ministros responsables, . . . " Huneeus, *op. cit.*, Vol. III, p. 127. "From the first, under the constitution of 1833, the parliamentary system had been instituted, inasmuch as ministers were permitted to be members of parliament, and speak therein even if not members." Reinsch, *op. cit.*, p. 512.

[8] Huneeus, *La Constitución ante el Congreso* (Santiago, 1880), p. 187. See also, Larrain, Z., *Constitución Vigente y Constituciones Anteriores de Chile* (Santiago, 1892), p. 184.

[9] Salas Edwards, Ricardo, *Balmaceda y el Parlamentarismo en Chile* (Santiago, 1916), Vol. I, p. 26.

[10] *Ibid.*, pp. 26–29; see also, Rodríguez Bravo, Joaquín, *Estudios Constitucionales* (Santiago, 1888), p. 171.

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1875, and of Vicente Reyes in 1878. By constitutional amendment in 1874, cabinet ministers were definitely made responsible to Congress for their acts,[11] and the brilliant Chilean scholar Huneeus could write in 1879: "The power of the Houses to vote acts of censure against the Ministers of State . . . is unquestionable."[12]

By the time Balmaceda was elected president in 1886, therefore, he was confronted with the fact of cabinet government. In addition, the powers of the president had gradually been whittled away. In 1871, the president's term was limited to five years, without immediate reëlection; in 1874, his authority to employ the *estado de sitio* without congressional approval was strictly regulated and his power to appoint the Council of State was taken away by the legislature; by laws of 1874, 1875, and 1880, the judiciary was made more independent; the power of executive-appointed *intendentes* was reduced, the secret ballot introduced, and the suffrage extended to all literate males in 1884; laws of 1874, 1880, and 1884 disqualified congressmen from running for office if they already held a position to which they had been appointed by the president; the cumulative vote was introduced in laws in 1874 and 1884; and Congress was given power to check the executive's administration of the budget through laws of 1883 and 1884.[13] Thus, when Balmaceda's refusal to appoint a ministry acceptable to the majority in Congress led to military victory for congressional forces in the battle of Placilla on August 28, 1891, the idea that no president should govern without a parliamentary majority had become a fixed part of Chilean governmental organization and procedure.[14]

Government under the "parliamentary republic" in Chile from 1891 to 1925 is often criticized for the ministerial instability it produced,[15] and many opponents attribute to it the declining quality of representatives, the logrolling on appropriation measures, the subservience of congressmen to local pressure group interests, and the prevalence of bribery in elections.[16] The constitution of 1925, drafted under the guidance of Arturo Alessandri, "the Lion of Tarapacá," reëstablished the presidential system, although ministers were still allowed to appear before Congress. The

[11] Salas, Edwards, *op. cit.*, pp. 73–75.

[12] Huneeus, *op. cit.* For the complete documentary account of the censure of a minister, see Larrain Zañartu, *op. cit.*, Vol. I, pp. 322–325.

[13] Salas Edwards, *op. cit.*, pp. 389 ff.

[14] Reinsch, *op. cit.*, p. 516.

[15] Excepting partial changes in ministries, the following members of cabinets were forced to resign: Balmaceda (1886–1891), 14; Jorje Montt (1891–1896), 8; Errázuriz Echaurren (1896–1901), 12; Riesco (1901–1906), 17; Pedro Montt (1906–1910), 11; Barros Luco (1910–1915), 15; Sanfuentes (1915–1920), 17. Roldán, Alcibíades, *op. cit.*, p. 430.

[16] See Reinsch, *op. cit.*, pp. 530–552.

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1925 document, however, did not wipe the political slate clean. The idea of responsibility is neither dead nor moribund, and presidents since 1925 have not been able to restore the *caudillismo* of the 1830's nor the executive aristocracy of the 1850's. Congress has continued to exercise a vociferous and frequently compelling voice in formulating policy and checking administration. Although the form of the parliamentary system is gone, ministries continue to change frequently when the president and his cabinet cannot command the respect and confidence of the legislature.

The parliamentary experience of Brazil under the 1824 constitution has had less effect on the political institutions of that country. The reasons perhaps are two-fold: On the one hand, the parliamentary system was more nominal than real,[17] and on the other, it represented part of the trappings of the monarchy to be swept away in the path of the democratic republic. The constitution of 1891 and subsequent documents show slight trace of the 1824–89 parliamentary experience. Bolivia, Haiti, and Honduras have made paper and real attempts to install the parliamentary system, with the result that some responsibility has been enforced on the executive, although the prevailing norm still is, if not *caudillismo*, at least very strong executive government.

The right of ministers to appear before congress has been incorporated in most of the fourteen constitutions of Bolivia. The document of 1931, however, made attendance compulsory upon request of the legislature and established responsibility of the cabinet through interpellation and vote of censure. The fact that political parties were accustomed to the idea of cabinet ministers acting as a cushion between the executive and legislative branches might have pointed to at least a modified success of the parliamentary system. From 1931 to the formation of the 1938 organic law destroying the parliamentary system, however, Bolivia was governed by executives who tolerated little interference from the legislature.[18] The constitution of 1938 maintains the traditional doctrine of voluntary and compulsory attendance of ministers, who are subject to interpellation and censure. A vote of censure or lack of confidence, however, no longer makes resignation obligatory. The legislature's actions are purely recommendatory. Nevertheless, the legislature of Bolivia has on a few occasions, at least, indulged in the form and procedure of the parliamentary system, even though power in substance has been controlled by the executive. The devices of question, interpellation, and censure

[17] Manoel de Oliveira Lima, however, regards the Brazilian form as the only parliamentary system in the New World. "New Constitutional Tendencies in Hispanic America," *Hispanic American Historical Review*, Vol. 5, p. 25 (Feb., 1922).

[18] This view is not shared by Professor N. A. N. Cleven, who wrote in 1940: "The executive power of Bolivia is . . . as definitely under the control of the legislative power as is the British Ministry." *The Political Organization of Bolivia*, p. 113.

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are accepted mechanisms in the machinery of government, and it is possible that a modified parliamentary system might evolve. The Peñaranda government (1940–43), for example, was at least indirectly influenced by legislative criticism of its administration. Victor Paz Estenssoro, leader of the *Movimiento Nacionalista Revolucionario* and one of the President's bitter enemies, attacked the government viciously on August 24, 1943. The entire cabinet of nine resigned three days later. On September 15, a vote of censure was averted by 48–47 in the Chamber. Again there was a cabinet change (two days later), although the executive was not forced to consider congressional opposition.[19]

The evidence of parliamentary government in Haiti is ephemeral at best. The provisions establishing ministerial responsibility in the constitutions of 1806 and 1843 were never enforced, and the attempts made to impose the system on the executive in 1859 and 1867 were miserable failures. The more serious conflict over cabinet government in 1874—in which the legislature censured two of the president's ministers—resulted not only in the refusal of the president to dismiss the men, but in the dissolution of the legislature as well.[20]

The experience of Honduras with parliamentary government from 1925 through 1931 is more important. The chaos precipitated by the elections of 1923 and the subsequent revolution in 1924 severely weakened executive control of government. The Congress accepted this opportunity to increase its power by providing in the new constitution of 1924 that on a vote of censure a minister or the entire cabinet was obligated to resign. Where ministers formerly sent their *memorias* to Congress by messenger, beginning in 1925 they appeared personally to read the report and answer questions.[21] Following several investigations, including frequent interpellations, the Congress voted censure against the Minister of Finance late in 1925 and forced his resignation.[22] In the same year, the Congress questioned cabinet ministers on budget requests,[23] and refused to approve the executive acts in the Departments of *Fomento* and Government for designated periods in 1924.[24] In 1927, a vote of lack of confidence forced the Minister of Finance to resign,[25] and in March, 1931, the Ministers of Government, War, and Finance were obliged to give up their

[19] *The Inter-American* (Oct., 1943), p. 6.

[20] Montague, Ludwell Lee, *Haiti and the United States, 1714–1938* (Durham, 1940), pp. 17–18.

[21] República de Honduras, *Boletín del Congreso Nacional Legislativo* (Serie 1, No. 3, 9 de enero de 1925), pp. 25–32.

[22] *El Cronista* (Tegucigalpa, 30 de diciembre de 1925), p. 2.

[23] República de Honduras, *op. cit.* (Serie 1, No. 39, 9 de abril de 1925), pp. 390–392, 404, 427.

[24] *Ibid.*, Decreto No. 72, p. 289; Decreto No. 124, p. 372.

[25] República de Honduras, *Decretos del Congreso Nacional Legislativo, Sesiones Ordinarias y Extraordinarias de 1927*, Decreto No. 85, p. 106.

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posts.[26] From 1925 through 1931, Congress challenged the executive on policy, appointments, and administration, and did so through the pattern of parliamentary government. The newly-born *"parlamentarismo"* came to an early death in 1932, however, with the election to the presidency of Dr. Tiburcio Carías, who reëstablished the old lines of authority running from the *Casa Presidencial* to the Congress. The final step was taken in the constitution of 1936, which denied the right of Congress to censure the actions of any executive officer.

Of the contemporary parliamentary systems of Latin America, that of Peru has acted as a façade behind which the executive has pursued a policy of governmental control without responsibility. Constitutionally, the organic law of June 10, 1834, extended ministers the privilege of attending either chamber without a vote; the document of November 13, 1860, allowed a "permanent committee" of seven senators and eight deputies to take action against ministers in the president's failure to act (repealed August 31, 1874); and the constitution of 1920 provided that ministers must resign on vote of censure in either chamber.[27] The extant constitution, that of 1933, authorizes the legislature to force attendance of ministers, subject them to interpellation, and effect their resignation through vote of censure. Strong executive control of government during the twentieth century, however, has relegated these provisions to a position of secondary importance. The difference between law and practice (*el derecho y el hecho*) has been great. The statement made by Professor Stuart in reference to government under the constitution of 1920 that ". . . in spite of the implications in the new constitution that Peru is tending towards the parliamentary system, in reality the government is carried on under a system which is in the highest degree presidential,"[28] is equally valid in describing government under the constitution of 1933. It is worth noting, however, that the form of the parliamentary system has been maintained for decades in Peruvian government, and that the incumbent President Prado has occasionally taken cognizance of the apparent will of the badly organized political groups in the legislature. Available evidence points to the probability that the parliamentary form will remain and gradually narrow the discretionary authority of the President.

The formula theory of Uruguayan constitutional development—that extreme presidential government under the constitution of 1830 was matched by extreme congressional government under the constitution of

[26] "El Cambio de Ministros," *Tegucigalpa* (19 de abril de 1931), p. 1.

[27] Art. 133. See also Arts. 127, 129, 130, and 132. For the best summary in English of the fourteen constitutions through the document of 1920, see Stuart, Graham H., *The Governmental System of Peru* (Washington, D. C., Carnegie Institution of Washington, 1925), pp. 1–32.

[28] *Op. cit.*, p. 32.

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1917, with the 1934 organic law producing a synthesis in the form of a parliamentary system[29]—fails to evaluate correctly practical experience in ministerial responsibility under each of the constitutions. As a matter of fact, "When the constituents [of the constitutional convention drafting the 1830 document] began their work, ministerial responsibility had already become a necessary element in our governmental customs."[30] During the colonial period, the *cabildos* constantly made inquiries of the *Gobernadores*, who frequently answered these requests for information personally and submitted to questioning and criticism.[31] Thus, when the *Junta de Representantes* acted as the legislative body from 1825 to 1827, it felt free to call in ministers regularly for questioning. The provision in the *Reglamento* of the *Junta* allowing questioning of ministers was probably influenced in wording by Article 30 of the constitution of 1819 of Argentina.[32] It is not surprising, therefore, that Article 53 of the 1830 document granting interpellation passed the convention without discussion, although the idea of ministerial responsibility was analyzed intelligently.[33] Article 53 did not concede to the legislature the power to censure ministers and force their resignation, but an early struggle with the executive over control of finances led to that development.[34] The Permanent Committee represented the interests of the legislature when not in session, and by 1832 was demanding the appearance of ministers for questioning. In 1848, when civil war prevented the election of a new legislature and the president appointed an "Assembly of Notables" to perform the legislative functions, that body immediately began to hold the executive and his ministers responsible. By 1852, the language of the legislature included such terms as "cabinet," "prime minister," "ministerial confidence," "declaration of censure," and majority and minority "leaders"; and lack of confidence in the executive's cabinet was voted in 1853, 1864, 1873, and 1874, with interpellation common from 1888. During the nineteenth century, the legislature repeatedly analyzed important economic, social, and political problems, checked the administration of government carefully, and occasionally challenged the executive on policy.[35] It is true, however, that late in the 1890's the power and prestige of the executive increased markedly, to result, by about 1908, in strong presidential government within the parliamentary form. It was this executive discretion

[29] Salgado, José, *La Constitución Uruguaya de 1934* (Montevideo, 1936), pp. 1–11.

[30] Bauzá, Francisco, *Estudios Constitucionales* (Montevideo, 1887), p. 51.

[31] Blanco Acevedo, *op. cit.*, p. 132.

[32] *Ibid.*, pp. 128–129.

[33] Bauzá, *op. cit.*, pp. 274–277, 306–336; Blanco Acevedo, *op. cit.*, pp. 123, 133.

[34] Blanco Acevedo, *op. cit.*, pp. 34, 127.

[35] *Ibid.*, pp. 34–38, 40–45, 140–145, 201.

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that the great Uruguayan statesman, José Batlle y Ordóñez, ably opposed in arguing for the constitution of 1917.[36]

The constitution of 1917 divided the executive branch between a president elected directly, with important powers in the domestic and foreign fields, and a nine-man National Council of Administration elected directly by proportional representation, with important powers in finance, education, public works, labor, and manufacturing. Congress retained the power of interpellation through Article 50. The division of executive power reduced the authority of that branch, while increasing that of the legislature. Under the constitution of 1917, ministers were subjected to unwarranted interpellation and vote of censure on a number of occasions. In addition, on appropriation bills and financial administration, the legislature from time to time was guilty of delay and obstruction.[37] Dr. Gabriel Terra, who became president in 1931, had always opposed the division of the executive power,[38] and in addition he was almost immediately hampered in his task of administration by a hostile Congress, which subjected his cabinet to incessant interpellation.[39] He had, however, consistently defended ministerial responsibility.[40] Thus, when he led the *coup d'état* of March 31, 1933, against the Congress and National Council, his views on governmental organization were well known. President Terra called a constituent assembly, which, convening on June 25, 1933, to draft a new constitution, demonstrated a desire to retain the parliamentary system with modifications in the executive branch.[41]

Under Uruguay's constitution of 1934, the president may select his nine-man cabinet from either chamber, giving five or six seats to the majority, and at least three to the minority, party. The bicameral legislature sitting in General Assembly may freely interpellate ministers and force their resignation through vote of lack of confidence. If the vote on the president's cabinet is less than two-thirds against the president, he may dissolve the legislature and call for elections. The new General Assembly is obligated to consider the vote of disapproval that forced the resignations and election, and on sustaining it, the president himself, along with his ministers, is forced to resign. Confidence in the successful operation of the parliamentary system in Uruguay is predicated on the valid assumption that it constitutes a time-tested mechanism of utility in har-

[36] Salgado, *op. cit.*, p. 9.

[37] Legnani, Mateo, *Memorandum de la Dictadura Uruguaya* (Montevideo, 1933), pp. 84–85.

[38] See his speech in the Chamber August 10, 1923. Luciano Martínez, *op. cit.*, Vol. I, pp. 635–636.

[39] Blanco Acevedo, *op. cit.*, p. 47.

[40] Luciano Martínez, *op. cit.*, Vol. I, p. 332; Vol. II, pp. 71–83, 178–182.

[41] Salgado, *op. cit.*, pp. 138–140, 158.

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monizing executive-legislative relations and relating authority and responsibility in government.

The semi-parliamentary system inaugurated by Cuba under the constitution of 1940 finds some legal basis in the constitutions of the monarchy and the revolutionary constitutions of the nineteenth century. The Spanish constitution of 1812, for example, established a type of modified ministerial responsibility,[42] and the *Constitución Antonómica* of 1897 permitted ministers to be selected from the legislature and to attend its sessions.[43] The revolutionary constitution of Guáimaro of April 10, 1869, however, created a government of legislative supremacy in which the executive officers were selected by the legislature and held responsible. The document was probably modeled on the English system.[44] During the first three decades of the twentieth century, academic circles debated the presidential-parliamentary issue, with most of the pros and cons, aired in the constituent assembly which met from June 20, 1927, to May 11, 1928.[45] A number of men prominent in public life advocated the parliamentary system from the beginning of the republic,[46] and one scholar argued that the constitution of 1901 contained provisions which could be construed as the beginning of parliamentary government in Cuba.[47] The man who labored longer and with most conviction, however, was Dr. José Manuel Cortina,[48] who served as president of the Constitution Committee which drafted the organic law of 1940.

In the decade from 1930 to 1940, the demand for a parliamentary system to harmonize the executive and legislative branches, improve administration, and decrease the possibility of revolution increased. The constitutional reforms of 1935 (never put into effect) established a parliamentary sytem in which the president would govern with a cabinet selected from the majority parties in a bicameral legislature, with the ministers liable to interpellation and forced resignation through censure.[49] Dr. Gutiérrez' draft of a proposed constitution submitted in 1936 made presidential ministers responsible to a unicameral legislature through interpellation and censure.[50] The constitution completed by Dr. Sánchez

[42] Arts. 131, pt. 25, 226.

[43] Barreras, Antonio, *Textos de las Constituciones de Cuba, 1812–1940* (La Habana, 1940), p. 255.

[44] Infiesta, Ramón, *Historia Constitucional de Cuba* (La Habana, 1942), p. 255.

[45] Gutiérrez Sánchez, *op. cit.*, p. 32.

[46] Aramburo, Mariano, "Qué es eso del régimen semi-parlamentario?," *Diario de la Marina* (17 de marzo de 1940), p. 4.

[47] Sánchez Ocejo, *op. cit.*, p. 99.

[48] More y Benítez, Juan Bautista, *Leyes Complementarias de la Constitución* (La Habana, 1941), p. 83; see also Dr. Cortina's brilliant speech in the Senate on the occasion of the first interpellation in May, 1942. *Diario de la Marina* (27 de mayo de 1942), p. 2.

[49] Barreras, *op. cit.*, Arts. 101–107, pp. 444–446.

[50] Gutiérrez, *op. cit.*, Arts. 74, 88, 103, pp. 22–23, 29, 35.

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Ocejo in December, 1938, went even further and permitted the executive to dissolve the legislature on vote of lack of confidence.[51] On the other hand, of fifteen political parties outlining their platforms prior to the 1940 constituent convention, only two—*Partido Revolucionario Cubano* (*Auténtico*) and *Partido Social Demócrata*—called for a parliamentary system.[52] Of these two parties, the first was of considerable importance at the convention, as forty-four out of eighty-one delegates were in the opposition *bloc* led by Dr. Grau San Martín of the *Partido Revolucionario Cubano*.[53] Those magazines reflecting economic and political interests likely to be effected by a parliamentary system did not join the controversy or discussion.[54] Nevertheless, after a number of lively and a few brilliant speeches,[55] the convention accepted the articles necessary to the new system without amendment.[56]

The formal organization of the parliamentary system is clear, and the provisions elastic enough to permit growth and development through custom and usage. The president may select his ministers from either of the two houses of the legislature. The cabinet—or council of ministers as it is called—has legal status, and the president is instructed to report though it to Congress. Acting as liaison agents between the president and legislature, the ministers are expected to attend the sessions and may be summoned for questioning. Interpellation may be begun through a written motion signed by one-third of the members of either house and concurred in by an absolute majority of all the members within eight days. Disapproval may be total—when the prime minister or more than three ministers are challenged—or partial, and if the legislature votes lack of confidence, resignation is obligatory within forty-eight hours. The legislature can deny confidence, however, only after the minister has held office for at least six months, a question of confidence cannot be raised in the final six months of a presidential period, and an issue of confidence that has been voted down cannot be raised again for a year. The president is denied the power to appoint the same minister to the same portfolio after a vote of censure.

The form of the parliamentary system was adhered to almost immediately, but the motions did not begin to have practical effect until May,

[51] Sánchez Ocejo, *op. cit.*, Arts. 48, 51–52, 62, pp. 73–87.

[52] Conferencias de Orientación Ciudadana, *Los Partidos Políticos y la Asamblea Constituyente* (La Habana, 1939), pp. 161, 308.

[53] Gutiérrez Sánchez, *op. cit.*, p. 66.

[54] See articles for 1940 in *Cuba Económica y Financiera, Ultra, Habana, Industria y Comercio*, and *Revista de la Habana*.

[55] República de Cuba, *Diario de Sesiones de la Convención Constituyente* (La Habana, 1940), Vol. I, Núm. 1, 9 de febrero de 1940, p. 13; Núm. 3, 14 de febrero de 1940, p. 3; Vol. II, Núm. 70, 5 de junio de 1940, pp. 2–15.

[56] Lazcano y Mazón, *Constitución de Cuba* (La Habana, 1941), Vol. III, pp. 110–112.

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1942. The constitution went into effect on October 10, 1940, and President Batista appointed Senator Carlos Saladrigas prime minister. He announced in his acceptance speech that he intended to make the parliamentary system work.[57] The cabinet began functioning as a body with the Prime Minister or President presiding over the regularly scheduled meetings. Congress convened in November, and the "líderes" of the various parties organized into majority and minority *blocs*. From the beginning, however, Congress showed little inclination to check actively the administrative policy of the Council of Ministers. In February, 1941, Representative Almagro proposed the first interpellation, but the House did not approve his action.[58] Prime Minister Saladrigas appeared for the first time before the Chamber on February 10 to outline government policy and to advise the majority party group on legislative priority. When Saladrigas appeared again on February 12, Representative Ichaso of the opposition asked him a few questions. On March 18, the Prime Minister conferred at length with opposition members to achieve their support of the government's sugar and financial program. Despite these favorable beginnings, however, by July, 1941, it appeared that serious cleavages between the ministers and opposition leaders in Congress had developed. The bitterness was readily apparent, yet the solution was not approached through the parliamentary pattern. Congressmen brought pressure on the President outside the legislature, and on July 9 it was announced that President Batista had conferred with the Prime Minister and leaders in Congress to discuss possible resignations. The entire cabinet resigned on July 16, and only five out of the seventeen ministers were reappointed.

During the remainder of 1941, tension between the executive and legislative branches mounted, but the legislature did not take advantage of its prerogatives to clarify the sources of friction. Senator Manuel Capestany called for the interpellation of the Minister of Communications in August, but his request was denied.[59] Indeed, the Senate during most of the year was little more than a rubber stamp for the President and a debating forum for the airing of party and personal grievances. The Senate approved all the presidential and cabinet decrees without extended debate, and did not push its right to receive information from the executive branch.[60] In both the Chamber and Senate, opposition leaders prevented a quorum by remaining away from the legislature. Dr. Gustavo Gutiérrez, a strong advocate of the parliamentary system, resigned as president of the Chamber in October, 1941, for that reason.[61] Toward the end of 1941, however, the issue of a $25,000,000 Export-Import Bank

[57] *Diario de la Marina* (10 de octubre de 1940), p. 1.
[58] *Ibid.* (6 de febrero de 1941), p. 1.
[59] *Ibid.* (5 de agosto de 1941), p. 1.
[60] República de Cuba, *Diario de Sesiones del Senado* (1941).
[61] *Diario de la Marina* (3 de octubre de 1941), p. 4.

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loan encouraged executive and legislature to work within the parliamentary framework. The Prime Minister and Ministers of State and Treasury met with House leaders in November to plan strategy for achieving approval of the lower house, and when the issue was considered the Prime Minister and three other ministers defended the government's request to consummate the loan.[62]

The year 1942 saw the first decisive step toward the crystallization of the parliamentary system. In May, the Parliamentary Committee of the *Partido Revolucionario Cubano* (*Auténtico*) revealed that it had met under the chairmanship of Dr. Grau San Martín to decide whether to introduce a bill in the Senate to investigate the executive's activity under the war emergency legislation. Dr. Grau and his committee also met with the Council of Ministers; but as the conversations were unsatisfactory, the opposition group drafted a *"cuestionario"* to be answered by the Council. At this point, the government urged that the opposition content itself with a petition for written data.[63] Under the capable leadership of the P.R.C., however, the Senate voted to submit the Prime Minister and Ministers of Commerce, State, Treasury, Public Works, Defense, and Government to interpellation. The many carefully drafted, intelligent questions put to the ministers related to price ceilings on consumers' goods, the black market, immigration, use of public tractors for political purposes, sale of scrap iron, and national defense.[64] Prime Minister Saladrigas defended the government ably, each minister read a prepared answer to the formal questions, and then met all oral challenges. This was the first interpellation, and the maintenance of decorum and restraint characterized it as successful from the procedural standpoint. On May 29, the Senate voted approval of the ministers and stated officially that the parliamentary system had begun.[65] As an anti-climax, the entire cabinet resigned on June 18, and the President accepted the resignations of seven, although one remained in the government as minister without portfolio.[66]

The first crisis in the operation of the parliamentary system was successfully, if modestly, met. Both the executive and legislative branches demonstrated an ability to work within the new relationships, and even though no minister or cabinet had been driven from power by vote of censure by the middle of 1944,[67] it appeared that the parliamentary system had at least an even chance for survival.

[62] *Ibid.* (21 de noviembre de 1941), p. 2.
[63] *Ibid.* (23 de mayo de 1942), p. 1.
[64] *Ibid.* (24 de mayo de 1942), p. 1.
[65] *Ibid.* (30 de mayo de 1942), p. 1.
[66] *Ibid.* (20 de junio de 1942), p. 1.
[67] Gutiérrez, Gustavo, "La Constitución Inoperante," *Ultra* (Aug., 1944), pp. 112–115; *Cuba Económica y Financiera* (Feb., 1944), pp. 5–6.

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From this survey of past and contemporary parliamentary systems in Latin America, the conclusion is evident that even in the more advanced countries the results have not squared with the hopes of the proponents of the system. Perhaps, however, the fact of failure in some cases and only moderate success in others is not the most important conclusion that can be drawn. What does appear to be significant is that political and academic leaders have concluded that separation of powers into watertight compartments has encouraged irresponsible and undesirable executive omnipotence. In adopting cabinet government, they argue from the assumption that responsibility of the executive and his cabinet to the representatives of the people may increase the likelihood of efficient, democratic government and decrease the possibilities of revolution arising out of political frustration. It is yet too early to attempt to measure with finality, or even comparative precision, the degree to which parliamentary government may contribute to the achievement of these goals. Enough positive progress has been made in countries like Chile and Uruguay, however, to warrant encouragement in the experiment of cabinet government; and as a device susceptible of molding to variable governmental environments, it shows promise of being instrumental in furthering progress of the Latin American countries toward the political maturity which they seek.

VI. THE BRAZILIAN PROGRAM OF ADMINISTRATIVE REFORM

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The régime of Getulio Vargas has in the past fourteen years wrought a major transformation in the national government of Brazil. A vast centralization has taken place whereby the states' rights direction of the post-Empire period—1889–1930—was reversed and both the states and the municipalities were brought under control. New ministries and other national organs were created. A merit system was established and a public service organized. The national administration has been integrated both structurally and by means of central management agencies.

These sweeping changes have come rapidly, mostly in the past five years. There is added interest for people in the United States of America because the precedents have been taken from the theory and practice of this country. It will not be possible to present in this brief paper more than a summary of the Brazilian administrative reforms.

The Merit System. The Brazilians inherited the concept of the "functionary" from their Empire. They carried this idea of the "public official" into the republican era. Each of the ministries functioned with its

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own personnel "system." There was in each a corps of career officers appointed in almost any fashion and surrounded by temporary, non-status assistants.

The first step to correct this was taken in the constitution of 1934 wherein the policy was stated that appointment should be restricted by competitive tests of fitness for office. The following year, a commission was set up to study the civil service. This body made its report in 1936, enacted into Decree-law Number 284 on October 28 of the same year.[1] A Federal Council of the Public Civil Service, *Conselho Federal do Serviço Público Civil*, was created to carry out the merit provisions, with a similar body established in each of the ministries under the title of "efficiency commission." The corps of the several ministries were pooled in a general classification by profession or calling; salaries were equalized and titles standardized.

The Federal Civil Service Council was superseded in July, 1938, by the single-headed D.A.S.P. (*Departamento Administrativo do Serviço Público*). The commission form of organization which has held together since 1883 in the United States (the United States Civil Service Commission was avowedly the model for the Federal Council) did not suit the urgent needs of Brazil. The idea of a "bureau of general administration" was substituted instead.[2]

Further steps in effectuating the civil service were taken in 1939 and in 1943 when basic statutes were decreed defining the rights and duties of public employees.[3] There has thus been achieved a national civil service in Brazil based on the merit system. It has its faults, and it is not complete. For instance, there is still division between the full-fledged functionary and the lesser paid and privileged supernumerary. In fact, the latter outnumbers the former.[4] The automatic system of selection—the person who

[1] Brazilian "statutes," i.e., decree-laws and decrees, are published in the *Diário Official* (Brazilian equivalent of the United States *Federal Register*) generally the day after the date of enactment.

[2] See W. F. Willoughby, *Principles of Public Administration*, Chap. iv.

[3] "*Code of the Functionary*," Decree-law 1713, 1939; "*Code of the Supernumerary*," Decree-law 5175, 1943. These are recommended reading for students of public administration.

[4] As of November, 1943, there were in round numbers 55,000 functionaries and more than twice as many *extra-numerários*, i.e., supernumeraries, divided as follows: 40,000 *mensalistas*, monthly paid workers; 45,000 *diaristas*, day workers; 6,000 *tarefeiros*, piece-workers; and 600 *contratados* employed by individual contract. See report by the D.A.S.P., *Reajustamento dos Vencimentos do Pessoal Civil e do Pessoal Militar* (D.A.S.P., Rio de Janeiro, 1943.) In justice, it should be added that the day- and piece-workers are almost all laborers and that the others, the employees paid by the month, are under the merit system, retirement and disability benefits, and central personnel supervision, and also are protected from indiscriminate dismissal by tradition if not by legal status.

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scores the highest on the examination gets the job—is no doubt too rigid. The classification of positions is crude and too broad for effective use, and the merit system stops short of the top positions, which are still political appointments. Nevertheless, there has been achieved a vast improvement over the old way of doing things. The merit provisions seem well established. The personnel system appears to be well implemented by the personnel divisions of the D.A.S.P. which we shall consider in more detail. But first let us take a glance at the general government structure.

The National Ministries and Agencies. Almost all of the national employees are in ten ministries: (1) Aëronautics, (2) War, (3) Navy, (4) Foreign Relations, (5) Finance, (6) Justice and Internal Affairs, (7) Agriculture, (8) Education and Public Health, (9) Labor, Industry, and Commerce, and (10) Transportation and Public Works. With certain variations, the organization is substantially that which the corresponding departments would have in the United States.[5] The Ministry of Aëronautics includes both military and civil aviation; the Ministry of Justice and Internal Affairs includes the national archives, the administration of the federal territories, and relations with state governments; the Ministry of Agriculture includes the wild life, weather, and Indian services; the Ministry of Education and Public Health includes the children's bureau, the national museum, and the University of Brazil; the Ministry of Transportation and Public Works includes the merchant marine, railroads, ports, highways, the post office and telegraphs, as well as mines and reclamation.

There are a number of policy councils, both within and outside of the ministries. The National Commission for the Control of Drugs is in the Ministry of Foreign Relations; the National Council for the Protection of the Indians, in the Ministry of Agriculture. The Federal Councils of Foreign Trade, Immigration and Colonization, Water and Electric Power, and the Brazilian Institute of Geography and Statistics are directly subordinate to the *Presidência*, Office of the President himself. The functioning of these councils in the absence of a national legislature is an interesting phenomenon and worth detailed study.

One of the unique features of Brazilian national administration is the number of *autarquias*, or "autonomous" agencies. These can be classified under several headings. (1) There are a number of *Institutos*, or social insurance organizations both for disability and superannuation, organized according to work group, e.g., bank clerks, commercial employees, industrial workers. The oldest of these is for government employees. (2) Several entrepreneur and regulatory agencies exist; for example, the

[5] The equivalent of the *United States Government Manual* in Brazil is the *Indicador*, published by the D.A.S.P. The data given here are from the edition of December 31, 1943, printed during 1944.

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National Department of Coffee, which was one of the earliest creations of the Vargas régime set up in 1931 to supervise the production of coffee and to maintain prices as an escape from the depression. Others for *maté*, lumber, sugar, and alcohol, Lloyd of Brazil, Central Railway of Brazil, Rio and Para port administrations, are examples of government in business. The Bank of Brazil, the Re-insurance Institute, and the National Savings Banks are examples of "mixed enterprises." (3) There are a number of professional societies with official status, as the Federal Council of Engineers and Architects and the Lawyers' Order of Brazil. Even the fishermen are organized into official syndicates, each set up as a colony with common governmentally operated market facilities. The distribution of milk is also a government monopoly.

The degrees of autonomy of these agencies and the varying kinds of supervision that have been worked out in Brazil should be studied for possible application in the United States to problems of independent establishments, regulatory commissions, and government corporations. It is through this network of governmental and quasi-governmental agencies that political and economic affairs are coördinated in Brazil. The complexity of the network makes all the more important the work of the central administrative agencies.

At the very top is the *Presidência*. The Brazilian President's assistants fall into three units, the civil *Gabinete*, the military *Gabinete*, and the D.A.S.P. The "*gabinetes*" are not cabinets; they are the civil and military secretariats for the President. The D.A.S.P. is the central "Department of Administration." There were also established three political emergency and war-time agencies under the *Presidência*. The Council of National Security is the top advisory group for internal security purposes. The *Departmento de Imprensa e Propaganda* was, as its title indicates, the national propaganda and opinion control unit.[6] The Coördinator of Economic Mobilization carries on price and distribution controls. The National Security Council antedates the war, but both of the other agencies have been created since.

The national administration of Brazil is integrated not only structurally, however, but also dynamically, by means of central management activities, now consolidated into one agency, the several times mentioned Department of Administration.[7] Further, it is this unit which is the custodian of the Brazilian program of administrative reform.

[6] Because of concerted resistance by the newspapers themselves, the censorship functions of the D.I.P. broke down late in February, 1945, and the government subsequently moved to limit its activity to cultural functions.

[7] The only national organ with which it does not share jurisdiction to a greater or lesser extent is the *Tribunal de Contas*, the audit and settlement tribunal, each of whose seven members has the title of minister and the tenure of a supreme court judge. See provisions in Brazilian constitution of 1937.

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The D.A.S.P. As was indicated above in discussing the merit system, the D.A.S.P. is the central personnel agency. Its personnel activities are organized in four divisions: selection, training, orientation and control, and research. Beyond these personnel functions, the D.A.S.P. enjoys the distinction of having constitutional status. Article 67 of the constitution of 1937 provides that there shall be a department of administration, and that this department shall (a) make studies of the organization and management of government agencies, (b) annually organize the budget, and (c) supervise the execution of the budget. Accordingly, the fifth division of the D.A.S.P. is the Division of Organization and Coördination, which is called "Administrative Management" in the United States Bureau of the Budget; and budgeting is carried on within the framework of the D.A.S.P., although nominally organized as a Commission of Budgeting within the Ministry of Finance.[8] The D.A.S.P. was created on July 30, 1938, by Decree-law 579. The *regimento*, i.e., rules and regulations, by which the D.A.S.P. is at present organized, is Decree 11101, December 11, 1942. This is an interesting document and to be recommended to students. In addition to personnel and budgeting, the D.A.S.P. has two other functions, namely, the control of materials and of public buildings. Each of these is organized as a separate division.

The largest division is that of selection of personnel. The division of personnel orientation and control is a close second. The division of budgeting is third. Training, administrative management, and personnel research follow. The two newest divisions, materials and public buildings, are the smallest. There are, respectively, 76, 72, 65, 52, 44, 33, 29, and 21 employees. The two internal services of the D.A.S.P. are comparatively large. The "administration service" has 136 employees; the publication service, *Serviço do Documentação*, has 59. In total, in other words, the D.A.S.P. compares in size with the 400 or 500 employees of the United States Bureau of the Budget; but hardly at all when the 7,000 employees of the Civil Service Commission are added.[9]

There is not space or need to describe many of the activities of the D.A.S.P.; many of the practices have been adopted from those prevailing in the United States. Perhaps a freely eclectic procedure will do.

Personnel Management. The selection procedures in Brazil have at least two distinctive features worthy of mention. The Division of Selection does not attempt to do its own mental and physical testing. These activities

[8] Budgeting had been, since the early nineteenth century, a traditional function of the Ministry of Finance. There is great similarity between United States and Brazilian administrative history in the tug-of-war between the Treasury Department and the President's office as to control of budgeting.

[9] See my *Report on a Mission to the D.A.S.P.*, pp. 34–35. (Office of the Coördinator of Inter-American Affairs, Washington, D. C., April 29, 1944. Mimeographed.)

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are taken care of by the Institute of Pedagogical Research in the Ministry of Education. One of the results of this collaboration has been an unusually careful validation of the tests used and an excellent correlation of the physical requirements with the stresses and strains of the various types of positions. Secondly, there is an interesting practice in delegating the authority to test. In cases in which vacancies occur of a type which are in existence in one bureau alone, that bureau is allowed to do the whole job of setting up, giving, and grading the tests, but under the strict supervision of the Selection Division; and this device has considerably lightened the load of the Division during the war period.

It is a great temptation to dwell on the Training Division of the D.A.S.P.; it carries on a number of very interesting activities. For example, its section on courses is actually a school for the public service. In 1943, 50 courses were offered by 100 instructors and taken by 4,000 students. These courses are entirely free of cost to the students; but matriculation examinations are required for admission. These courses are not confined to government employees; outside persons may enroll and receive the certificates of attendance which are given.[10]

The Training Division also stimulates the ministries to undertake training of their own. As a result, a number of them have regular training schools, e.g., the Post Office and the National Printing Office; and a police school was organized in 1944 in the Ministry of Justice and Internal Affairs. Eight of the ten ministries, at the present time, have "directors of courses," as their training leaders are called.

The Division of Training handles the interchange of government officials and students for educational purposes, and it has done the actual work of sending a large number of Brazilian officers to the United States for study and experience. It also has enabled several government employees from other South American countries, notably Paraguay and Chile, to come to Rio de Janeiro for administrative "internships." Likewise, Brazilian state and municipal officials are being brought to the national capital to take courses in the public service school of the D.A.S.P. and to learn by doing in the D.A.S.P. divisions.

In discussing personnel management, there is one general feature which deserves emphasis. This is the collaborative attitude of the D.A.S.P., which has from its beginning tried to get the ministries to establish personnel divisions within their own organizations so that many of the personnel activities might be devolved upon the ministries themselves. In order to foster this kind of collaboration, there was established in 1943 a council of personnel administration on which each ministry is repre-

[10] D.A.S.P., Divisão de Aperfeiçoamento, *Cursos de Administração em 1943* (Rio de Janeiro, 1944).

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sented by its personnel director. As in the United States, this council meets weekly, or on call, in the effort to regularize, standardize, and improve personnel policies and practices. Likewise, in a somewhat less formal fashion, the Training Division holds each month a conference for the "directors of courses" of the ministries.

Budgeting. The first Brazilian budget worthy of the name was for the year 1942. It was then that the present compromise was achieved of having the budget "bureau," *Comissão de Orçamento*, come under the aegis of the D.A.S.P. The president of the D.A.S.P. was made president of the budget commission, the other two members of the Commission being the directors of the two sections, one on estimates of expenditures and the other on those of revenues. In actual practice, the Minister of Finance is consulted only once or twice a year, when he and the D.A.S.P. president formally take the budget to the President of the Republic.

The budgeting system is still at a relatively undeveloped stage. Estimating expenditures is on the United States model as to both organization and procedure. To be noted, however, is the participation of the personnel, materials, buildings, and other central staff agencies in Brazilian budgeting. The D.A.S.P. personnel divisions keep a constant check on the personnel items; the D.A.S.P. divisions of materials and public buildings do the same for their items. Personal service items in the budget estimates are scrutinized with particular care. Frequently, special hearings are held on the personnel estimates of the ministries, with the chief of the Personnel Research Division of the D.A.S.P. acting as chairman. This functional participation exists also at the ministry level. The Budget Commission encourages the respective management agencies in the ministries to participate in the drawing up of the estimates and in the ministerial consideration of the budget.

On the negative side, it must be mentioned that there is as yet no type of expenditure control in the Brazilian budget process. A plan for expenditure control by apportionment and allotments has been drawn up, but has not gone beyond the draft stage. The most critical difficulty is the shortage of trained personnel; it is a difficulty that prevails everywhere in Brazil, in private as well as public enterprise. Not only is public budgeting of the modern sort new, but there are no resources of budget experience in private enterprise or state and local governments upon which to draw. The Commission had to grow its own personnel, so to speak. The result is that the directors of the two sections of the budget commission have spent a good deal of their time teaching budgeting in the D.A.S.P. "school." It is in this way that most of their examiners have been developed. A number have been sent to the United States for further training.

The Brazilian system for estimating revenues is a remarkable technique. In 1942, the latest year for which the collection figures are complete, the

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estimate was only 0.28 per cent below the actual receipts. The bureau insists that there is no secret to its extreme accuracy, its estimates being based simply on detailed statistics, careful and interminable analysis, and continuous forecasting.[11]

One would conclude that budgeting still has a long way to go in Brazil, but that great gains have already been made, considering the fact that only four budgets have been handled.

Organization and Management Planning. Like budgeting, research into the organization and work methods of the Brazilian government agencies is new and is patterned on United States practice. It is carried on by the Division of Organization and Coördination. The Organization Division is composed of four sections. Three of these are "administrative management" sections, namely, the section on "specific administration," which studies the primary ministries such as Agriculture, Labor, and Education; the section on "general administration," which studies the secondary agencies such as personnel, budget, and planning; and the section on "industrial and quasi-governmental administration," which has as its jurisdiction the automonous and quasi-autonomous agencies referred to earlier in this paper.

The fourth section of the Division of Organization and Coördination is that on coördination. This is a relationships section and handles contacts with (a) the ministries, (b) state and local governments, and (c) the public. A particular concern of this section is contacts with the Commissions of Efficiency in the various ministries. These Commissions were established at the same time as the old Federal Civil Service Council, but they were stripped of their personnel management activities when the D.A.S.P. came on the scene. They did retain the management research functions. However, these Commissions have no staff except the commissioners themselves. The D.A.S.P. has tried to make the best of this situation by holding periodic conferences as a sort of training school for these commissioners, but Brazilian administrative officials agree that these Efficiency Commissions should be replaced by properly staffed management and planning units in the ministries. This section on coördination also works a good deal with the state governments, particularly with the objective of having the states establish their own departments of administration.

Matériel Control. From the foregoing, it is easy to see that the D.A.S.P. is a much broader central staff agency than any that exists in the United States. We have not yet, however, exhausted the list of its activities. The D.A.S.P. is closely related to the procurement of *matériel* and has the function of simplifying, standardizing, indexing, and cataloguing govern-

[11] For a general description, see D.A.S.P., *A Récita Pública.* (Imprensa Nacional, Rio de Janeiro, 1942.)

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ment-used equipment and supplies. The Division of Materials handles this work for the D.A.S.P. It is divided into three sections: one on simplification, one on standardization, and one on orientation and control. The first two are technical, as their titles imply; the third is the contact unit of the Division. Real strides have been made in the simplification of the 40,000 items formerly purchased by the Brazilian government agencies; 4,000 have already been eliminated. For example, fifty-six varieties of ink-stands have been cut to three.

As with both the personnel and budgeting functions, the Materials Division tries to do all it can to bring corresponding units of the ministries into the picture. Its major contacts are with the Federal Purchasing Department in the Ministry of Finance and the materials divisions of the various ministries. This relationship was formalized in 1943 by the formation of a council of materials administration (*Conselho do Material*). This Council meets weekly and gives promise of being a very useful device, not only to push forward the standardization of materials, but also to improve and to make uniform the handling and using of materials for all government agencies.

International collaboration is also practiced. In 1944, the division began supervising purchases of a number of commodities for the government of Paraguay, and also made several trips to Paraguay to establish purchasing and materials units in that country.

Public Buildings. The newest addition to the D.A.S.P. divisions, that of public buildings, reviews all plans of construction proposed by the ministries and has the power, over the signature of the President of the Republic, to approve or disapprove such plans. In some cases, it assumes actual superintendence of the construction of the buildings—for example, the *Palácio da Fazenda*, for the Ministry of Finance, opened in November, 1943. This scrutiny of plans includes cost as well as engineering considerations. Many plans have been turned down for price reasons. Normally, buildings are constructed by the public buildings division of the department of administration of the ministry itself or by *ad hoc* commissions if there is no such division in the ministry. Again, the collaborative approach is stressed. Early in January, 1944, the Division of Public Buildings called the first meeting of representatives of public buildings divisions of the ministries. Such meetings are to be continued periodically, with perhaps a public buildings council to come later. As mentioned earlier, the Public Buildings Division participates in the budget process. Thus in addition to its approval of construction plans, it has surveillance over the specific estimates for buildings each year.

Public Relations. Although the D.A.S.P. is not the public relations agency of the Brazilian national government, its jurisdiction administratively is so broad and the attitudes of its personnel are such that it does

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in several ways function as such an agency. The Brazilian Department of Press and Propaganda is essentially negative—for example, censorship—or concerned with the very broad type of propaganda. There is no central information service such as the prewar United States Office of Government Reports and the later domestic branch of the Office of War Information.

The units of the D.A.S.P. which handle public relations directly are the Section of Coördination, already referred to as the "relationships" section of the Division of Organization and Coördination, and the auxiliary "Section of Communications," which is organized within the D.A.S.P. as part of the internal "Administration Service." The Coördination Section prepares annually a directory of the national government, called the *Indicador*. The section has tried public opinion polling in an effort to determine the public's attitude toward the national government in general and the D.A.S.P. in particular.[12]

Currently, the D.A.S.P., primarily through this section, is campaigning among the ministries for the establishment of "units of public orientation," to be set in the "communications services," i.e., reception, mails, and files of the ministries. The D.A.S.P., in 1943, set up the prototype in its own "Communications Section." This is to handle the public's complaints and to act generally as an information center.

The D.A.S.P. is an important publishing agency as well. The Ministry of Justice and Internal Affairs publishes the laws of the land, but the D.A.S.P. is filling in gaps left by this official publication. One is a subject index of laws which is kept current, even to the extent of a daily analysis available in the D.A.S.P. library. Also, legislation is published chronologically and by subject. In addition to the decrees themselves, the D.A.S.P. publishes the so-called "Expositions of Motives." These are the explanations offered by public officials to the President of the Republic for the actions which they recommended to him in the *processos*, i.e., papers which they send to him for approval. In an exclusively executive form of government, these are of real importance to the public. A third kind of publication is the *Jurisprudência Administrativa*, or administrative jurisprudence. These are the D.A.S.P.'s own interpretations of the laws on the subjects of its jurisdiction, namely, personnel, *matériel*, etc.

Finally, and of particular importance to students of administration, is the *Revista do Serviço Público*, the Brazilian equivalent of the *Public Administration Review* in the United States. It has been published since 1937, and is a monthly, with paid subscriptions, and even paying a little for its articles. Most of its writing is done by government officials, but college professors, private business people, and others outside the govern-

[12] See the report by the D.A.S.P., *Resultado de um Inquérito* (Imprensa Nacional, Rio de Janeiro, 1942).

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ment have also contributed. It is safe to say that most public administration literature in the Portuguese language has originated, or has been referred to, in the periodical named.

Administrative Devolution. Several references have been made to the various conferences which the D.A.S.P. holds regularly with the ministries of the national government: the Council of Personnel Administration, the Council of Materials, the periodic conferences with Efficiency Commissions, the ministries' directors of public buildings divisions, and the directors of courses of the ministries. These efforts represent a striking attitude on the part of the D.A.S.P., i.e., a determination to devolve as much as possible of the procedure of administration upon the ministries as an antidote to the dangers of over-consolidation.

The major effort in this direction has been to get the ministers to establish departments of administration of their own. This was an immediate effort on the part of the D.A.S.P.; in fact, the first department of administration in any ministry was established in the very first year of the D.A.S.P. itself, namely, 1939. Almost all of the ministries now have such departments of administration, organized much along the same line, i.e., personnel, budget, material, buildings, communications.

Administrative Decentralization. As has been stated in a number of places by the official publicists of the Brazilian government, one of the factors of the Vargas revolution of 1930 was reaction against the extreme decentralization which the republican régime had brought upon Brazil. One of the manifestations of this decentralization was the way in which the two major states of São Paulo and Minas Geraes played politics for their own advantage regardless of national welfare. President Vargas, as a citizen of the state of Rio Grande do Sul, was in a good position to understand this. The pendulum has now swung to the other extreme. Both the governor and legislature of each of the states have been done away with, and replaced by a presidentially appointed *interventor* and an advisory council, *Conselho Administrativo*, also presidentially appointed. The municipal officials and assemblies have also been disbanded and replaced by mayors appointed by the *interventor*.[13]

The official government agency for the handling of the liaison with the states is the "commission for the study of states' affairs" (*Commissão de Estudos do Negócios Estaduáis*). All state *interventors* must report periodically to this Commission, and their *processos* must also flow

[13] Entirely apart from this centralization, there has been a movement to take over certain territory directly. The *Indicador* printed in 1944 listed seven such federal territories: (1) Territorio do Acre, (2) Territorio Federal do Amapá, (3) Territorio de Fernando de Noronha, (4) Territorio do Guaporé, (5) Territorio do Iquassú, (6) Territorio de Ponto Porã, (7) Territorio do Rio Branco. Almost no comment can be found in print as to the significance of this development.

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through this channel. The president of the D.A.S.P. is an influential member of the States' Affairs Commission. Since the Justice Ministry, in which the Commission is located, is not technically prepared to handle administrative matters, many of the reports and processes of the states are referred to the D.A.S.P. Each of the state governments in turn has a municipal affairs bureau which handles the business of the cities. A more highly centralized system would be hard to conceive.

However, in the program of administrative reform, the D.A.S.P. has tried to mitigate the harshness of this political centralization by administrative decentralization, at least of management services. As a result, over half of Brazil's twenty states now have a department of administration of their own, organized along the D.A.S.P. pattern and serviced by the D.A.S.P. with management information and personnel. As mentioned above, the D.A.S.P. has also carried on training for state and municipal personnel, by bringing such into Rio for study and directed experience.

In 1934, the federal government took from the state governments their control of military police, public health, the regulation of labor, the regulation of natural resources, and the use of public land. Ministries were created to handle these functions, or these were added as activities of already existing ministries. This did not, of course, solve the problem of the actual carrying out of national policies; therefore, the collaborative approach of administrative decentralization seems to offer some promise of relief. The goal has by no means been reached. Well over half the number of federal employees in the national government of Brazil are located in the immediate vicinity of Rio de Janiero, despite the fact that most of the country's populous centers are in other states.

Conclusion. It is encouraging, therefore, to see the rational progress which Brazil has made in her national administration. Much of the credit must go to the D.A.S.P. Particularly to be commended is the collaborative, not to say democratic, approach, and the efforts at devolution and decentralization.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

During the current summer, Professor Edward S. Corwin, of Princeton University, is lecturing and conducting a seminar at the University of Washington as Walker Ames professor of political science.

Professor Graham H. Stuart, of Stanford University, returned to the Department of State for the spring quarter as head of the Historical Records Unit, a position which he held during the academic year 1943–44.

In September, 1945, Dr. Payson J. Treat, whose writings on Japan are well known to political scientists, will retire after forty years of service as professor of history at Stanford University.

On April 17, Professor William Y. Elliott, of Harvard University, now vice-chairman for civilian requirements, War Production Board, delivered the tenth annual Edmund J. James Lecture on Government at the University of Illinois. His subject was "The Strategy and Politics of Raw Materials in Peace and War."

Professor Thomas I. Cook, of the University of Washington, has joined Professors Kenneth C. Cole and Linden A. Mander on the War Labor Board panel for the 12th Regional War Labor Board.

Professor Joseph R. Hayden, who before taking leave in 1941 to serve as a member of the board of analysts in the Office of Strategic Services, was chairman of the department of political science at the University of Michigan, died suddenly in Washington, D. C., on May 19. A memorial will appear in the next issue of the REVIEW.

Dean William E. Mosher of Syracuse University's Maxwell Graduate School of Citizenship and Public Affairs died in Alexandria, Virginia, of a heart attack on June 1. A memorial will appear in the next issue of the REVIEW.

Professor Hans Kohn, of Smith College, will deliver in July five lectures on the Norman Wait Harris Foundation at Northwestern University. They will deal with representative thinkers of nineteenth-century European nationalism and will be published by the Macmillan Company under the title "Prophets and Peoples."

Dr. L. V. Howard has been granted a leave of absence from the University of Georgia to devote full time to the work of Governor Arnall's

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Agricultural and Industrial Development Board. He will continue to serve as the Board's executive director, a position he has held for the past year and a half.

Dr. Herbert Wright, professor of international law at the Catholic University of America, died in Washington, D. C., near the middle of May.

Dr. Frederick M. Watkins has resigned as associate professor of government at Cornell University, and Dr. Mario Einaudi, assistant professor in the Graduate School at Fordham University, has been appointed associate professor on the Cornell staff.

Dr. David W. Knepper, for eighteen years chairman of the department of social studies in the Mississippi State College for Women, has been appointed director of the division of public administration at the University of Houston. In his new position he will develop a joint university-city in-service training program and also the university public service training program.

Mr. Warren Cunningham, of the Bureau of Government Research at the University of Washington, has completed a report on postwar planing for the Citizens' Committee of the Seattle area.

Professor Charles E. Martin is chairman of a new faculty committee at the University of Washington in charge of awarding foreign student scholarships.

Major Albert Lapawsky, USA, on leave from the University of Chicago, has been promoted to the rank of Lieutenant-Colonel.

The Bureau of Government Research at the University of Washington has been allotted general administrative control over a research fund of approximately $40,000 a year, the projects to be selected by the Bureau in coöperation with the Association of Washington Cities.

The Southern Regional Training Program in Public Administration continued in the second quarter, during which time fellows were in residence at the University of Tennessee. There they heard, as part of the program, various TVA and state officials, including Mr. G. F. Gant, TVA Director of Personnel; Mr. G. O. Wessenauer, TVA Manager of Power; Mr. Hayden Johnson of the Tennessee State Planning Commission. The fellows were in residence at the University of Georgia during the spring quarter.

The annual meeting of the American Society of International Law, usually held in Washington, D.C. toward the end of April, was postponed

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in 1945. In its place, local meetings were arranged in Washington and elsewhere. The Washington meeting was held on April 13–14 at the Carlton Hotel, and addresses were delivered by Henri Bonnet (French Ambassador), Robert H. Jackson (Associate Justice of the Supreme Court), and Julius C. Holmes (Assistant Secretary of State.)

During the first term of this year's summer session, the University of Wyoming is holding an Institute of International Affairs devoted to the politics and problems of Central and Eastern Europe. Dr. Feliks Gross, lecturer at New York University, is director, and the teaching staff includes J. W. Baldwin, Vojta Benes, Lewis Corey, V. C. Coulter, Petras Dauzvardis, Waclaw Lednicki, Phillip Lohman, Nicholas G. Mavris, Anatole G. Mazour, Ante Pavelich, Michael J. Politis, Sylwin Strakacz, G. Harrison Thomson, and Basil Vlavianos. The program consists of lecture and seminar courses in economics, political science, history, literature, and education, with a number of moving pictures and public addresses also included.

During the spring, Secretary of State Stettinius appointed three survey groups, each consisting of a foreign service inspector, a representative of the Bureau of the Budget, and a business man, to visit and study the foreign service establishments of the United States in Europe, Africa, and South America, respectively. The group for Europe included Dr. Donald C. Stone and that for South America, Dr. Walter H. C. Laves. Reports to the Secretary of State, dealing with organization, administration, procedures, and inter-agency field relations, will be made shortly.

Under House Concurrent Resolution 18 (79th Cong., 1st Sess.), a Joint Committee on the Organization of Congress has started a comprehensive study of the internal organization and external relationships of Congress. The chairman is Senator Robert M. LaFollette, Jr.; the vice-chairman, Representative A. S. Mike Monroney; and the remaining members are Senators Elbert D. Thomas, Claude Pepper, Richard B. Russell, Wallace H. White, and C. Wayland Brooks, and Representatives E. E. Cox, Thomas J. Lane, E. C. Michener, Everett M. Dirksen, and Charles A. Plumley; and Dr. George B. Galloway, recently chairman of the American Political Science Association's Committee on Congress, has been appointed staff director. The Committee has been holding hearings throughout the month of June.

Under a resolution passed in 1943, the General Assembly of Georgia provided for an Agricultural and Industrial Development Board, the twenty-one members of which have now been appointed by the governor. The Board is divided into seven panels (of three members each), having to do with agriculture; education; government; health; trade, commerce,

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and business; public works; and industry. Each panel has a chairman and an administrator known as director. Two political scientists are playing an important part in the work, Dr. L. V. Howard being executive director of the Board, and Professor Cullen B. Gosnell, of Emory University, acting director of the government panel. A major task that has thus far interested the Board is that of constitutional revision, and Professor Gosnell has had a leading part in carrying it forward.

Publication by the Library of Congress of the first number of *The United States Quarterly Book List*, a guide to the most important new books published in this country during the last quarter of 1944, was announced in March at the Library of Congress. A total of 132 titles, carefully selected on the basis of recommendations received from a staff which at present numbers nearly 400 reviewers attached to scholarly institutions throughout the United States, is included in the first issue. Indicative of the American reading public's wartime interests is the fact that nearly half of the books reviewed in this issue—59 titles, to be exact—are works pertaining to the social sciences; and most of these are in the field of political science, about half dealing with contemporary and post-war problems. The *Book List* had its origin In a recommendation included in the Final Act of the Inter-American Conference for the Maintenance of Peace held at Buenos Aires in 1936, the substance of this recommendation being that each American Republic should issue a quarterly bulletin giving bibliographical notice of recently published works of a scientific, historical, literary, or artistic nature, such bulletin to be distributed and exchanged among the Republics by suitable government agencies. The publication will be sold by the Superintendent of Documents, Washington, D.C., on a subscription basis at $1.25 per volume, with single copies available at 35 cents each.

The National Roster of Scientific and Specialized Personnel has issued a four-page pamphlet under the title of *Description of the Profession of Political Science*. This *Description* is one in a series of brochures describing the various professional fields with which the Roster is actively concerned, such as political science, history, psychology, economics, and social work. These brochures will constitute part of certain educational and training material to be distributed to the local offices of the United States Employment Service with which the National Roster is closely collaborating in connection with placement of professionally qualified civilians and demobilized soldiers and sailors with previous training in professional and technical fields. The *Description of the Profession of Political Science* was prepared by the officers of the Association and adopted at the meeting of the Executive Council on February 1, 1945. Members of the Association are invited to scrutinize the text and to offer suggestions for improvement

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in case a second edition is issued. Copies of the *Description* can be obtained by writing the Secretary-Treasurer of the Association, or by addressing the National Roster of Scientific and Specialized Personnel, War Manpower Commission, Washington 25, D. C.

Under the auspices of the Washington Chapter of the Society for the Advancement of Management and the School of Social Sciences and Public Affairs of the American University, a Federal Fiscal Series has been developed to promote the wider dissemination of information concerning the application of good management techniques in fiscal and budgetary administration. The purpose of the series is to make available to those interested in fiscal and budgetary administration the material developed through the Budget Planning Round Table of the Washington Chapter of the Society for the Advancement of Management. The individual numbers of the Series are presented in the form of case studies of government agencies, so selected as to represent different types of budgetary systems. Case studies of the fiscal procedures of the following agencies will appear in mimeographed form: Tennessee Valley Authority; Civil Aëronautics Administration (now available); Forest Service, Department of Agriculture; Department of Justice; Federal Housing Administration; Coast Guard, Navy Department; and Government Accounting Office.

Westel Woodbury Willoughby (1867–1945). On March 26, 1945, occurred the death of the scholar whom the late James W. Garner had eight years before called the dean of American political scientists. The title was indeed fitting; for few men had done so much as Dr. W.W. Willoughby to establish political science in the United States as an independent subject of study. He was one of the principal founders, in 1903, of the American Political Science Association, and for the first decade of its publication, the first of the three distinguished managing editors of this REVIEW. At the same time, he created the graduate department of political science at the Johns Hopkins University, and carried it to a notable and in many ways unique position.

It is well to remember that Dr. Willoughby's department was distinguished neither by the size of its teaching staff nor by the variety of its course offerings. When the present writer was a graduate student in the department in 1919–21, Dr. Willoughby gave two lectures a week and conducted a periodic seminary, while President Goodnow taught, by the case system, a two-hour course in constitutional or administrative law, and Dr. Willoughby's twin brother, Dr. W. F. Willoughby, came over once a week from the Brookings Institution to offer some undergraduate instruction and give a graduate lecture. This was the sum of formal graduate work in political science, though every student had to take a

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first and second minor, and thus came into contact with such men as Latané, Lovejoy, Hollander, and Barnett.

The greatness of the department lay in the imponderables of scholarship and personality. Dr. Willoughby considered the first obligation of a political scientist to be dedication to productive scholarship, and his first responsibilities as a teacher to be a high example of such scholarship and the training of his students in the principles of juristic and political theory. He told them that once they had grasped the basic principles of political science, they could work up particular subjects for themselves as occasion demanded. He assumed that his students were as interested in serious scholarship as he was, and by this very assumption he gave political science the dignity of a high calling. He stressed the importance of the doctoral dissertation and advised younger Ph.D.'s to tackle large subjects which it might take them years to complete. Always courteous and eminently fair in his judgments, Dr. Willoughby would tell his students that his deliberate policy was to throw them into the water to sink or swim for themselves, and then would ask with a twinkle in his eye how they were making out. Meanwhile, he treated them as his intellectual equals who would scorn to be coddled and needed only the opportunity to work out their own academic salvation. The only examinations he ever gave were the final ones to test whether that salvation had been attained. In those who learned to swim, there was engendered an invaluable sense of academic self-respect.

In a volume published in 1937 in Dr. Willoughby's honor,[1] there are to be found an evaluation of his contribution to political science by the late Professor Garner, the tribute paid by the present writer in presenting Dr. Willoughby's portrait to the Johns Hopkins University, and a list of his published works.

Over a long period of years, Dr. Willoughby was from time to time legal adviser to the Chinese Government. This connection began with a tour of service at Peking (1916–17). He also advised that Government at the Washington Conference, at three opium conferences, and in the Sino-Japanese controversy over Manchuria before the League of Nations. Out of these experiences grew several important volumes.

Dr. Willoughby is survived by his brother, to whom he was always very close. Born on the same day, they resembled each other markedly in physical appearance and had strikingly parallel careers. Both were graduated from the Hopkins in 1888. Both were constitutional advisers to the Chinese Government. Both were elected to the highest office in the gift of their profession: the presidency of the American Political Science Association. "W. W." was the theorist, "W. F.," more concerned with applied

[1] John Mabry Mathews and James Hart (eds.), *Essays in Political Science in Honor of Westel Woodbury Willoughby* (Baltimore: The Johns Hopkins Press, 1937).

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political science. But the difference was not so sharp as it might superficially appear to be. For even in the more practical field the search of "W. F." has been for general principles; and he used constantly to advise his students to take the "problem" approach to government.

Dr. Willoughby lived to see political science become more practical and more pragmatic. Under the pressure of events and of philosophical skepticism, many of its earlier assumptions were dissolved, as those of physics itself had already been. There was hurried and often immature search for new approaches and new emphases. This ferment was wholesome, and it opened up new horizons to explore.

Of late, however, the more thoughtful men in the field have once more begun to take their bearings. They do not advocate return to the pure rationalism which the founding fathers of American political science inherited from the nineteenth century. But they are keenly aware of the futility of the raw empiricism of the 'twenties. While they would relate their theory more definitely to practice, they would also insist upon grounding practice in theory. It is in this sense that men are coming once more to realize that theory is the heart of political science. It is in this sense, so meaningful for the continuity of our thought, that the spirit of Dr. Willoughby is vindicated even as he passes from the scene.

JAMES HART.

University of Virginia.

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POLITICAL SCIENTISTS AND THE WAR

HARVEY WALKER
Ohio State University

In August, 1942, there was published in this REVIEW a progress report from the Committee on Personnel Service of the American Political Science Association indicating the extent to which the political science profession was, at that time, participating in the war effort. The record then presented was based entirely upon reports from the universities and colleges of the country and included the names and assignments of those who were giving time and effort to either military or civilian tasks connected with the war. Some information was included as to recent graduates as well as permanent staff members. Since that report, much has happened, both in the profession and in the conduct of the war. It was felt by the officers of the Association that a new inquiry should be made and the report brought up to date. Accordingly, in September, 1944, a letter was sent to the presidents of the institutions of higher education in the United States asking for current information on their staff members in the political science field. They were asked to indicate which persons had been granted leave for military or civilian war service and what the assignments of these persons had been. Data were requested also as to those who had been called upon to render war service locally, or as consultants, without taking leave from their academic duties. This letter brought a gratifying response. While some replies were belated, thus delaying the compilation and analysis of the data, the information which follows represents returns from 122 institutions. In addition, 28 negative replies were received. Additional data were secured from the News and Notes section of the REVIEW for 1941–44.

The data which follow do not include all of the information received. For example, since nearly all members of the profession in institutions which have had ASTP, STAR, or Navy pre-flight or officer-training units participated in the training program, mention of such service has been omitted. It has also been necessary, in the interest of economy of space, to abbreviate somewhat the description of duty assignments of some of the more versatile and peripatetic members of the profession. In this inquiry, no request was made for data on recent graduates who were not members of a permanent staff.

The list appended includes the names and present and former assignments in the war effort of 341 members of the profession. Of these members, 196 are or have been engaged in civilian pursuits and 145 in military. Of the civilians, 124 are working in or out of Washington as headquarters, 58 more are engaged in civilian war work in the field, outside of Washing-

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ton, but within the Continental United States. Fourteen are in civilian war work overseas. Of those in military or related pursuits, 88 are in the Army, 48 in the Navy, three in the Marine Corps, one each in the Coast Guard and Red Cross, and four in administration of camps for conscientious objectors. In six cases, data on the nature of employment was not given.

The war is not yet over. While a number of political scientists have already returned from war work to academic pursuits, others will, no doubt, be called upon to take up war service before peace is attained. The present report, therefore, while more complete than the first one, is still only a progress report. Only after the war is over will it be possible to write a complete history of the contribution of political scientists to victory.

Stars indicate that information was not furnished by the institution concerned.

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NAME	ACADEMIC TITLE	INSTITUTION	YEAR OF LEAVE	CHARACTER OF WORK
Abernethy, B. R.	Instructor	Texas Technological College	1943	Stabilization Director, Regional War Labor Board, Dallas, Texas.
Adams, John Clarke	Asst. Professor	University of Buffalo	1943	Lt. (jg), U. S. Navy
Aikin, Charles	Assoc. Professor	University of California	*	O.P.A. Northern Calif.
Albright, Spencer D.	*	Reed College	*	Lt., U. S. Army Air Corps.
Allen, Ethan P.	Assoc. Professor	State Univ. of Iowa	1942	O.C.D.; Field Operations Officer, War Production Board, Washington, D. C.
Almond, Gabriel A.	Instructor	Brooklyn College	1942	F.E.A., Washington, D. C.
Atwater, Elton	*	American University	*	Educ. Dir. C.P.S. Camp, Laurel, Md.
Aumann, F. R.	Professor	Ohio State University	1942	Lt. Com., U. S. Navy
Ayearst, Morley	Asst. Professor	New York University	1943	Economic Intelligence Officer, London, England.
Bacon, Gasper G.	Professor	Boston University	1942	Officer, Army Air Corps
Ball, M. Margaret	Assoc. Professor	Wellesley College	1943–44	Research, Div. of Political Studies of the Dept. of State; Div. of International Security and Organization, Office of Special Political Affairs
Ballis, William B.	Asst. Professor	Ohio State Univ.	1942	Lt. Com., U. S. Navy
Barber, Hollis W.	*	Tulane University	*	Lt., U.S.N.R.
Barber, L. L.	Instructor	Boston University	1942	Not specified.
Barclay, Thomas S.	Professor	Stanford University	1942	Alien Enemy Hearing Board, Northern Calif. District, & National Alien Enemy Hearing Bd.
Bard, Erwin W.	Asst. Professor	Brooklyn College	1943	WPB, Washington; now Capt., A.M.G.
Beard, William	*	University of Wisconsin	*	Officer, U. S. Army Air Forces
Bellquist, Eric C.	Assoc. Professor	University of California	*	O.W.I.
Benson, G. C. S.	Professor	Northwestern University	1942	Office of Price Adm.; now Captain, U. S. Army, A.M.G. in Italy
Benson, Oliver	Assoc. Professor	University of Oklahoma	1942	Lt. (jg), U. S. Navy

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NAME	ACADEMIC TITLE	INSTITUTION	YEAR OF LEAVE	CHARACTER OF WORK
Benson, William C.	Professor	St. Olaf College	1942	Major, U. S. Army
Bentley, George R.	Asst. Professor	University of Florida	1943	Pfc., U. S. Army
Berdahl, Clarence A.	Professor	University of Illinois	1942–44	Office of Strategic Services London; Consultant, State Dept.
Bettersworth, J. K.	Asst. Professor	Mississippi State College	1942	Ensign, U. S. Navy
Blakeslee, George H.	Professor	Clark University	1943	Div. of Political Studies, State Dept.
Bock, Benjamin	Instructor	Texas Technological College	1942	First Lt., Army Air Forces
Boland, Rev. Francis J.	Professor	University of Notre Dame	1943	Lt., U. S. Navy (Chaplain)
Boone, Gladys	Professor	Sweet Briar College	1944	Public Member of Panel, National War Labor Board, Region 4
Brewer, John W.	Assoc. Professor	George Washington Univ.	1942	Lt. Colonel, U. S. Army
Brodie, Bernard	Instructor	Dartmouth College	1942	Lt., Bureau of Ordnance, Navy Dept.
Bromage, Arthur W.	Professor	University of Michigan	1943	Lt. Colonel, U. S. Army
Browne, Vincent	*	Howard University	*	Inf. Officer, U. S. Army
Brownlow, Louis	Lecturer	University of Chicago	none	Consultant to the President; Bureau of the Budget
Buehrig, Edward H.	Professor	Indiana University	1944	Div. of International Security & Organization, Dept. of State
Bunche, R. J.	*	Howard University	*	Soc. Sci. Analyst, O.S.S. Washington
Bundy, Frederic O.	Instructor	Ohio University	1942	Associate Executive of O.W.I., London
Burke, D. Barlow	*	Univ. of Pennsylvania	*	U. S. Navy, Philadelphia
Buss, Claude A.	Professor	Univ. of S. California	1941	Executive Secretary to U. S. High Commissioner to the Philippine Commonwealth; Head of the Western Div. of the Office of War Information, San Francisco
Bussey, Donald S.	Instructor	Princeton University	1941	Lt., U. S. Army A.I.C.
Butts, A. B.	Chancellor	Univ. of Mississippi	1941–45	Lt. Col. JAG, Dept. U. S. Army
Cahill, Fred V.	Instructor	Univ. of Oregon	1941	Capt., U. S. Army

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Caldwell, John T.	Asst. Professor	Vanderbilt University	1942	Lt. (jg), U. S. Navy
Caldwell, Robert G.	Dean	Massachusetts Institute of Technology	1940–41	Chairman Cultural Div., Office of the Co-ordinator of Inter-American Affairs.
			1942–43	General Advisory Committee of the Cultural Div., Dept. of State
Carpenter, Jesse T.	Assoc. Professor	New York University	1943	Div. of Civilian Personnel, War Dept.
Carter, Edward W.	*	Univ. of Pennsylvania	1942–44	Lt. U.S.N.R.
Chamberlain, Joseph P.	Professor	Columbia University	none	Consultant, Office of Wartime Economic Affairs, Dept. of State; Chairman, American Council of Voluntary Agencies
Chamberlain, Vell B.	Assoc. Professor	Illinois Institute of Technology	none	Public Panel Chairman, National War Labor Board, Region 6
Charlesworth, James C.	Assoc. Professor	Univ. of Pennsylvania	1943	Lt. Col., U. S. Army, A.G.D.
Chase, Eugene P.	*	Lafayette College	*	Dept. of State, Washington
Childs, Harwood L.	Assoc. Professor	Princeton University	1943	O.W.I., Dept. of State
Christensen, Asher N.	Assoc. Professor	Univ. of Minnesota	1942–45	Attaché for Cultural Relations, U. S. Embassy, Buenos Aires, Argentina
Cohn, Julius	Asst. Professor	West Virginia Univ.	1942	War Production Board; Office of Alien Property Custodian
Cole, Kenneth C.	Professor	Univ. of Washington	none	Chairman of West Coast Aircraft Committee of the National War Labor Board
Cole, R. Taylor	Assoc. Professor	Duke University	1942	Special Assistant to U. S. Minister at Stockholm, Sweden
Cook, Thomas I.	Assoc. Professor	Univ. of Washington	1942–44	12th Regional War Labor Board
Cooper, Russell M.	Professor	Cornell College	1943–44	Coördinator of Studies for the Armed Forces Institute, Madison, Wisconsin
Cottrell, Edwin A.	Professor	Stanford University	none	Public Member, Tri-partite Panel System, 10th Regional War Labor Board
Crouch, Winston W.	Asst. Professor	Univ. of Calif. at Los Angeles	*	Lt., U. S. Army, A.M.G.
Cumming, Henry H.	Asst. Professor	Univ. of Virginia	1942	Army, Military Intelligence
Dahl, Randle E.	Assoc. Professor	Penn College	1943	Detroit Office of the U. S. Bureau of Labor Statistics
Dangerfield, R. J.	Professor	Univ. of Oklahoma	1944	Commander, U. S. Navy

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Daspit, Alex B.	Assoc. Professor	Louisiana State Univ.	1942	Foreign Economic Administration, Great Britain
Dauer, Manning J.	Assoc. Professor	Univ. of Florida	1942	Captain, U. S. Army
Davies, Elspeth	Instructor	Barnard College	1943	O.S.S.
Dealey, James Q.	Assoc. Professor	Hamilton College	1943	Captain, U. S. Army
De Long, Earl H.	Assoc. Professor	Northwestern Univ.	1943	Capt., U. S. Marines
De Nike, Harold	Asst. Professor	Univ. of Cincinnati	1942	Office Price Adm., Philadelphia
Dennis, W. C.	President	Earlham College	none	Member, Alien Enemy Hearing Board, Southern District, Indiana
Deutsch, Karl W.	Asst. Professor	Massachusetts Institute of Technology	1944	Special Consultant, Office of Strategic Services
Dillon, Conley H.	Professor	Marshall College	1942	Head of Office of Price Adm., W. Virginia
Dishman, Robert B.	Instructor	Princeton Univ.	1942	Lt. (jg), U. S. Navy
Donnelly, Thomas C.	Professor	Univ. of New Mexico	1942–44	Deputy Administrator for Information, O.P.A., Washington
Draper, Benjamin	*	Univ. of Chicago	*	O.P.A., Hawaii
Drury, James W.	Instructor	Princeton Univ.	1941	Captain, Signal Corps, U. S. Army
Dunbar, Robert G.	Assoc. Professor	Colorado State College	1944	S 2/c, U. S. Navy
Dunn, Frederick S.	Professor	Yale University	none	State Department
Dykstra, Clarence A.	President	Univ. of Wisconsin	1940–41	Director of the Selective Service System
			1941–42	Chairman of the National Defense Mediation Board
Eagleton, Clyde	Professor	New York University	1943	Div. of International Security, Dept. of State, Washington, D. C.
Edelman, Alexander T.	Asst. Professor	Univ. of Kentucky	1942	Major, U. S. Army
Egger, Rowland A.	Professor	Univ. of Virginia	1942	Administrative Mgt. Consultant to Bolivia
Elliott, Harriet W.	Dean of Women and Prof.	The Woman's College, Univ. of N. Carolina	*	National Defense Council, Dir. of the War Finance Div. of the U. S. Treasury
Elliott, William Y.	Professor	Harvard University	1942	Vice-Chairman for Civilian Requirements, War Production Bd.

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Emmerich, Herbert	Lecturer	Univ. of Chicago	*	Secretary to the War Production Board; Dir. Federal Housing Adm.
Emerson, Rupert	Assoc. Professor	Harvard Univ.	1940	Deputy-Dr. Liberated Areas, Foreign Economic Administration
Evans, Delevan	Instructor	Univ. of Texas	1942	Captain, U. S. Army
Evans, W. J.	Acting Professor	Miss. State College	1942	Sgt., U. S. Army
Eyre, James K., Jr.	Asst. Professor	Sweet Briar College	*	Adviser, Philippine Govt.
Fainsod, Merle	Assoc. Professor	Harvard Univ.	1941–43	Dr. of Retail & Services Div., Office of Price Adm., Now Capt. U. S. Army detached to Harvard University
Fairman, Charles	Professor	Stanford Univ.	1942	Lt. Col., U. S. Army
Falk, Karl	Asst. Professor	Fresno State College	1942	Economic Advisor, Div. of Strategic Information, Washington, D. C. Now in military service
Farber, William O.	*	Univ. of S. Dakota	*	O.P.A. in S. Dakota; W.I.O., U. S. Army Air Forces
Farrelly, David G.	Instructor	Princeton Univ.	1943	Private, U. S. Army
Fenwick, Charles G.	Professor	Bryn Mawr College	1940	Inter-American Neutrality Com. (Inter-American Juridical Com.)
Ferguson, John H.	Assoc. Professor	Penn. State College	1943	Dir. of C. O. Camp under Friends Civilian Public Service
Fesler, James W.	Assoc. Professor	Univ. of N. Carolina	1941	War Production Board
Field, G. Lowell	Asst. Professor	Univ. of Texas	1943–44	Civilian Instructor in Navigation, U. S. Naval Flight Preparatory School, University of Texas
Fields, Harold B.	Asst. Professor	Michigan State College	1942	Cpl., U. S. Army
Fields, J. Eldon	Instructor	Univ. of Chicago	1943	U. S. Army
Fitzgibbon, Russell H.	Professor	Univ. of California	*	Office of Coördinator of Inter-American Affairs
Flanz, Gisbert H.	Instructor	Princeton Univ.	1942	Staff Sergeant, U. S. Army
Fosdick, Dorothy	Instructor	Smith College	1942	State Dept.; Committee on Postwar Problems, Dumbarton Oaks Conference
Foster, H. Schuyler	Asst. Professor	Ohio State Univ.	1943	State Department
Fox, Guy	Instructor	Montana State Univ.	1942	First Lt., U. S. Army

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NAME	ACADEMIC TITLE	INSTITUTION	YEAR OF LEAVE	CHARACTER OF WORK
Frasure, Carl M.	Professor	W. Virginia Univ.	1942–44	State Director of W. Va. Office of Price Adm.; Technical Asst. to Governor M. M. Neely. (Part-time)
Frazer, Keener C.	Professor	Univ. of N. Carolina	1943	Lt., U.S.N.R.
Fuchs, Ralph F.	Professor	Washington Univ.	1941	Solicitor General, Dept. of Justice
Ganzert, Frederick K.	Assoc. Professor	Univ. of Utah	1943	Research Division, Bureau of Economic Warfare
Garretson, Albert H.	Asst. Professor	Colgate Univ.	1942	Colonel; Deputy Chief, General Intelligence Supreme Hdq. Allied Expeditionary Force in France
Gaus, John M.	Professor	Univ. of Wisconsin	none	Collaborator, War Records Project U. S. Dept. of Agriculture; Consultant, Office of Foreign Relief & Rehabilitation, Dept. of State; Consultant to the National Roster of Scientific and Professional Personnel
Gibson, William M.	Asst. Professor	Duke University	1942	Lt., U. S. Navy
Gooch, Robert K.	Professor	Univ. of Virginia	1942	State Dept.
Goodrich, Leland M.	Assoc. Professor	Brown University	1943	Acting Director of World Peace Foundation, Boston
Gordon, A. Lincoln	Instructor	Harvard Univ.	1942	Deputy Program Vice-Chairman War Production Board
Gosnell, Harold F.	*	Univ. of Chicago	*	O.P.A., Washington
Goss, Hilton P.	Instructor	State College of Washington	1943	Lt., U. S. Army Air Corps
Graham, George A.	Assoc. Professor	Princeton Univ.	1943	Dept. of State; Bureau of the Budget
Grant, J. A. C.	Professor	Univ. of California	*	Vice-Chairman, 10th Regional War Labor Board
Graves, W. Brooke	Professor	Temple University	1942	Recruiting Specialist for the Third Civil Service Region
Greene, Lee S.	Assoc. Professor	Univ. of Tennessee	none	Consultant to TVA; Panel Member and Arbiter for the National & Regional War Labor Boards

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Gresh, L. D.	*	DePauw University	*	Captain, U. S. Army
Griffin, Francis H.	Professor	Univ. of Detroit	1943	Senior Interviewer, U. S. Employment Office
Gulick, Luther H.	Professor	Columbia Univ.	*	W.P.B. Washington
Guradze, Heinz	*	Park College	*	F.C.C., Washington
Halden, Leon G.	Assoc. Professor	Univ. of Houston	1942	Captain, Army, A.M.G., Italy
Haley, Owen A.	Assoc. Professor	College of the City of New York	1940–44	Legal Advisory Staff, N. Y. Hdqs. Selective Service Administration
Hamilton, Howard L.	Instructor	Ohio State Univ.	1942	Lt. Com., U.S.N.R.
Harris, Joseph P.	Professor	Univ. of California	1942	Col., U. S. Army; Personnel Director U.N.R.R.A.
Hart, James A.	Instructor	Fordham Univ.	1942	Ensign, U.S.N.R.
Harvey, L. G.	Asst. Professor	Univ. of New Hampshire	1942	Lt., U. S. Navy
Harvey, Ray F.	*	New York University	*	N. Y. State Vets. Com.
Haugen, Rolf	Instructor	Wellesley College	1942	Ensign, U. S. Navy
Hawley, Claude E.	Asst. Professor	Univ. of Florida	1942	Major, U. S. Army
Hayden, Joseph R.	Professor	Univ. of Michigan	1941	Consultant on Civil Affairs, War Dept.
Hayes, Wendell	Instructor	Grinnell College	1942	Office of Strategic Services
Heindel, Richard H.	*	Univ. of Pennsylvania	*	O.W.I., London
Heneman, Harlow J.	Assoc. Professor	Univ. of Michigan	1942	Military Intelligence G2, War Dept. General Staff, Wash., D. C.
Hexner, Ervin	Assoc. Professor	Univ. of N. Carolina	none	Bretton Woods Monetary Conference as Member of the Czechoslovak Delegation
Highley, Albert E.	Instructor	Butler University	1941	1st. Lt., Signal Corps, U.S.A.
Hill, Chesney	Assoc. Professor	Univ. of Missouri	1942	U. S. Army
Hillhouse, A. N.	Asst. Professor	Univ. of Cincinnati	1942	Budget officer, National Housing Agency, Capt., U. S. Army, A.M.G.
Hindman, Wilbert L.	Asst. Professor	Univ. of S. Calif.	none	Public Panel Member, 10th Regional War Labor Board
Hitchener, Dell G.	*	Coe College	*	U. S. Army
Holcombe, Arthur N.	Professor	Harvard Univ.	1942	Chairman, Appeals Board, W.P.B.
Holland, Lynwood M.	Assistant	Univ. of Illinois	1942–44	Staff Sgt., Army Air Forces
Hoop, O. W.	Professor	Univ. of Tulsa	1940–43	Colonel, U. S. Army
Hopper, Bruce C.	Assoc. Professor	Harvard Univ.	1942	Historian, 8th U. S. Army Air Force
Horlacher, John P.	Asst. Professor	Univ. of Pennsylvania	1943	Chief, Wage Analysis Section, Regional War Labor Board, Philadelphia

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NAME	ACADEMIC TITLE	INSTITUTION	YEAR OF LEAVE	CHARACTER OF WORK
Howard, L. O.	Professor	Univ. of Maryland	1942–43	Civ. Historical Div. A.A.F.
Hughes, M. Clyde	Asst. Professor	Univ. of Georgia	1944	War Labor Board
Hyneman, Charles S.	Professor	Louisiana State Univ.	1942	Consultant, Bureau of Budget; Director Foreign Broadcast Intelligence Service, Federal Communications Commission
Ireland, Philip W.	Asst. Professor	Univ. of Chicago	1942	State Dept.
Isom, Warren R.	Asst. Professor	Butler Univ.	1943	Sound Development Laboratory of R.C.A.
Jackson, J. W.	Assoc. Professor	Texas Technological College	1942	Captain, Army Air Forces
Janzen, Henry	Assoc. Professor	Hamilton College	1943	Research, Dept. of State
Jenkins, Thomas P.	Instructor	Univ. of California	*	Not specified
Jenkins, William S.	Assoc. Professor	Univ. of N. Carolina	1943	Lt., U.S.N.R.
Jessup, Philip C.	Professor	Columbia University	*	Dir. Div. of Personnel & Training, Office of Foreign Relief & Rehabilitation Operations, Dept. of State; Special Asst. to Dir of O.F.R.R.O., Foreign Economic Adm.; Asst. Chief of Secretariat & Secretary Pro Tempore of the Council, U.N.R.R.A.; Consultant, Navy Dept. Asst. Secretary General United Nations Monetary & Financial Conference, Bretton Woods, N. H.
Jobst, Valentine, III	Asst. Professor	Univ. of Illinois	1942	Major, Army Air Forces
Johansen, John P.	Professor	N. Dakota Agric. College	1941	Federal Security Agency
Johnson, Claudius O.	Professor	State College of Washington	none	Public Panel Chairman, National War Labor Board, 12th District
Johnson, Jack T.	Asst. Professor	State Univ. of Iowa	1944	Ensign, U.S.N.R.
Johnston, Louis W. H.	Instructor	Univ. of Pittsburgh	1942–44	Recruiting Officer, U. S. Civil Service Commission
Jonas, Frank H.	Asst. Professor	Univ. of New Mexico	1943	U. S. Army
Jones, J. Richard	Asst. Professor	Rhode Island State Coll.	1942,	Lt., U. S. Army

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Jones, Victor	*	Univ. of Calif.	*	10th Reg. War Labor Board
Jordan, H. Donaldson	Professor	Clark Univ.	1944	State Dept.
Judge, John H.	Instructor	Boston Univ.	1942	Naval Officer
Kaiser, Boynton	Lecturer	Univ. of California	*	Not specified
Kalijarvi, T. V.	Professor	Univ. of New Hampshire	1942–44	Executive Director, State Planning and Development Commission
Kehrli, Herman	Assoc. Professor	Univ. of Oregon	1943–44	Administrative Analyst, Bureau of the Budget
Kelso, Hugh	*	Denison University	*	Officer, U. S. Army
Kelso, Paul	Instructor	Univ. of California	*	Lt., U. S. Army Air Corps
Key, V. O. Jr.	Assoc. Professor	Johns Hopkins Univ.	1942	Principal Administrative Analyst, Bureau of the Budget
Kingsley, J. Donald	Professor	Antioch College	1943	Asst. Regional Director, War Manpower Commission, Region 5
Kirk, Grayson L.	Professor	Columbia Univ.	none	Consultant, Div. of Special Research, Dept. of State; Head Divisional Asst., Div. of Political Studies, Dept. of State; Consultant, Div. of International Security & Organization, Dept. of State
Kitchin, Joseph	Asst. Professor	Univ. of Maryland	1943	Lt., U. S. Marine Corps
Kline, Howard M.	*	Univ. of Maryland	*	Bureau of Census; U.S.P.H. Service
Knappen, Marshall M.	Professor	Michigan State College	1942	Captain, U. S. Army
Kneier, Charles M.	Professor	Univ. of Illinois	1943	Lt. Colonel, School of Military Government, Charlottesville, Va.
Krebs, Gerhard	*	Western Reserve Univ.	*	W.L.B. Cleveland, Ohio
Lardner, Lynford A.	Asst. Professor	Northwestern Univ.	1942	Lt. (jg), U. S. Navy
Larkin, John Day	Professor	Illinois Institute of Technology	none	Vice-Chairman, War Labor Board, Region 6
Larson, D. R.	Instructor	Texas Technological College	1943	Ensign, U. S. Coast Guard
Latham, Earl G.	Assoc. Professor	Univ. of Minnesota	1942–	Asst. Director of Div. of Field Operations, Bureau of the Budget
Laves, Walter H. C.	Assoc. Professor	Univ. of Chicago	1941	Officer of the Coördinator of Inter-American Affairs; O.C.D.; Bureau of the Budget
Lee, Dwight E.	Professor	Clark University	1943–44	Council on Foreign Relations

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NAME	ACADEMIC TITLE	INSTITUTION	YEAR OF LEAVE	CHARACTER OF WORK
Leebrick, K. C.	President	Kent State Univ.	*	Major, U. S Army
Leites, Nathan C.	Instructor	Univ. of Chicago	1941	Federal Communications Commission; Office of War Information
Leith, James M.	Instructor	Univ. of Maryland	none	Office of War Information
Lepawsky, Albert	Instructor	Univ. of Chicago	1942	Major, U. S. Army
Lewis, Edward G.	Instructor	Univ. of Texas	1943	Lt. (jg), U.S.N.R., A.M.G.
Linebarger, Paul M. A.	Asst. Professor	Duke University	1942	1st Lt., U. S. Army
Lippincott, Benjamin E.	Assoc. Professor	Univ. of Minnesota	1942	Major, U. S. Army Air Forces
Little George T.	Professor	Fletcher School of Law and Diplomacy	*	Educational Sec'y, C.P.S. Unit No. 49, Philadelphia
Loewenstein, Karl	Professor	Amherst College	1942–43	Dept. of Justice, Washington;
			1944–45	Dept. of State and the Dept. of Justice at Montevideo, Uruguay
Long, John	Instructor	Univ. of Maryland	none	War Dept.
Long, Robert Eli	Instructor	Univ. of Vermont	1943	Lt. (jg), U.S.N.R., Civil Affairs Section
MacCorkle, Stuart A.	Professor	Univ. of Texas	1941–43	Special Consultant, U. S. Army Air Forces; Principal Civilian Mobilization Adviser, Office of Civilian Defense
Macdonald, H. Malcolm	Instructor	Univ. of Texas	1941	Lt., U. S. Navy
Macmahon, Arthur W.	Professor	Columbia Univ.	*	Consultant on Administration, Dept. of State; Consultant, National Planning Association
Maddox, William P.	Assoc. Professor	Univ. of Pennsylvania	1942	Lt. Col., U. S. Army
Malick, Clay P.	Professor	Univ. of Colorado	none	Referee in Labor Disputes for the Nonferrous Metals Commission & Panel Chairman for for 9th Regional War Labor Board
Mander, Linden A.	Professor	Univ. of Washington	none	Public Panel Member, 12th Regional War Labor Board
Manning, John W.	Professor	Univ. of Kentucky	1941	Lt. Col., A.G.D., U. S. Army
Mansell, Thomas V.	Instructor	Westminster College	1944	Lt. (jg), U.S.N.R., Harvard Univ.

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Mansfield, Harvey C.	Asst. Professor	Yale University	1942	Price Executive, Consumers Durable Goods Div., Office of Price Administration, Washington
Marble, Samuel D.	*	Syracuse Univ.	*	C.P.S., Philadelphia
Mason, John B.	Assoc. Professor	Fresno State College	1943	War Prisoners Section, Washington, D. C.
McCamy, James L.	*	Bennington College	*	Director, Bureau of Areas, F.E.A.
McCauley, William S.	Asst. Professor	Smith College	1943	Research Analyst, National War Labor Board
McCordock, R. S.	*	Lincoln Memorial Univ.	*	Civ. Emp. C.W.S., War Dept.
McDiarmid, John	Assoc. Professor	Univ. of S. Calif.	1942	Asst. Chief Examining & Personnel Utilization Div., U. S. Civil Service Commission
McGeary, M. N.	Asst. Professor	Penn. State College	1943	Lt. (jg), Naval Civil Affairs
McGovern, William M.	Professor	Northwestern Univ.	1941	Lt. Commander, U.S.N.
McKelvey, Raymond G.	Asst. Professor	Occidental College	1943 (part-time)	Executive Secretary, Southern California Council for Inter-American Affairs
McKenzie, Charles W.	Asst. Professor	Washington Univ.	1942	Major, U. S. Army
McLaughlin, Charles H.	Asst. Professor	Univ. of Minnesota	1942	1st., Lt., U. S. Army Air Forces
Mecham, J. Lloyd	Professor	Univ. of Texas	1943–44	Principal Divisional Asst., Div. of Political Studies, Dept. of State
Merriam, Charles E.	Professor Emeritus	Univ. of Chicago	none	Member, National Resources Planning Board
Miller, James W.	Instructor	Michigan State College	1942	Lt. (jg), U. S. Navy
Mitchell, Wm. A.	Instructor	Princeton University	1942	Captain, Infantry, U. S. Army
Monypenny, Philipp	*	College of the City of New York	*	U. S. Army
Moore, Walden	*	Univ. of Rochester	*	Captain, U. S. Army, A.M.G.
Morrison, Donald H.	Asst. Professor	Louisiana State Univ.	1942	Bureau of the Budget
Morstein-Marx, Fritz	Professor	Queens College	1943	Bureau of the Budget
Morton, Ward	Asst. Professor	Univ. of Arkansas	1942	Officer-training, U. S. Army
Mosher, William E.	Professor	Syracuse Univ.	1943–44	Consultant, Foreign Economic Adm. State Dept.; Member, Public Panel Regional Office, War Labor Board
Moss, Warner	Professor	College of William and Mary	*	Research Adviser, Office of Strategic Services; O.P.A. administrator

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NAME	ACADEMIC TITLE	INSTITUTION	YEAR OF LEAVE	CHARACTER OF WORK
Mott, Rodney L.	Professor	Colgate Univ.	1943	Major, U. S. Army, A.M.G.
Muelder, Milton E. G.	Asst. Professor	Michigan State College	1943	Lt. U.S.N.R.
Mueller, Julia	Secretary	Univ. of Cincinnati	1943	Overseas with American Red Cross, India
Munro, William B.	Professor	California Institute of Technology	1940	Chairman, Selective Service Board of Appeal, 7th Calif. District
Myers, Denys P.	*	Fletcher School	*	State Dept.
Noble, George B.	Professor	Reed College	1942	Chm., 12th Regional War Labor Board.
Nuquist, Andrew E.	Assoc. Professor	Univ. of Vermont	none	Public Member, Regional War Labor Board, Boston
Odegard, Peter H.	Professor	Amherst College	1943–44	Asst. to Sec'y of the Treasury
Ogle, Marbury B., Jr.	Instructor	Western Reserve Univ.	1943	Office of Strategic Services
Olson, Emery E.	Dean	Univ. of S. California	1940–41	Consultant, U. S. Office of Education
			1941–	Asst. Chief, Labor Supply Sec., Office of Production Management
			1942–43	Asst. Chief, Examining & Personnel Utilization Div., U. S. Civil Ser. Commission
			1943–44	Training Manager, Lockheed Aircraft Corp. Los Angeles
Osborn, Clarence G.	Assoc. Professor	San Diego State College	1942	Lt., U. S. Navy
Padelford, Norman J.	Professor	Massachusetts Institute of Technology	1942	Special Consultant (part-time), State Dept.
Parratt, Spencer	Professor	Syracuse Univ.	*	Member, Public Panel, Regional War Labor Board
Peel, Roy V.	Professor	Indiana Univ.	1942	Confidential Work in Sweden and England
Pender, H. C.	Professor	Texas Technological College	1939	Chairman, Lubbock Defense Housing Project, Lubbock, Texas
Pennock, J. Roland	Assoc. Professor	Swarthmore College	1943–44	Training Branch, Div. of Personnel and Training, Office of Foreign Relief and Rehabilitation Operations; Dept. of State

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Peterson, Henry J.	Professor	Univ. of Wyoming	none	Wyoming Panel, 9th District War Labor Board
Pfankuchen, Llewellyn	Professor	Univ. of Wisconsin	1942–43	Div. of Political Studies, Dept. of State
Pinney, Harvey	Asst. Professor	New York Univ.	1941	Executive Secretary, O.P.A. Com. on Economic Demobilization, Washington
Pound, Merritt B.	Professor	Univ. of Georgia	1942	Lt. Colonel, U. S. Army
Powell, Norman J.	Instructor	College of the City of New York	1944	Personnel Consultant, Office of Price Administration
Pray, Joseph C.	Asst. Professor	Univ. of Oklahoma	1942	Lt., U.S.N.R.
Preuss, Lawrence	Assoc. Professor	Univ. of Michigan	1942	State Dept.
Prince, Charles	Vis. Professor	Indiana Univ.	*	F.C.C.
Prufer, Julius F.	*	Roanoke College	*	Lt., U.S.N.R.
Redford, Emmette S.	Professor	Univ. of Texas	1942	Asst. Price Executive, Southwestern Region, Office of Price Administration, Dallas, Texas
			1944	Chief Asst., National Rationing Administrator, O.P.A.
Reeves, Floyd W.	Professor	Univ. of Chicago	None	Consultant, War Production Board; National Resources Planning Board
Reeves, John E.	Asst. Professor	Univ. of Kentucky	1943–44	Consultant to Office of Chief of Ordnance, War Dept.; Executive Asst. to Commissioner of Revenue, Frankfort, Kentucky
Rich, Bennett M.	*	Univ. of Pennsylvania	*	1st. Lt., U. S. Army, P.M.G.
Riethmayer, Leo C.	Assoc. Professor	Texas Technological College	1943–44	Governments Div., Bureau of the Census; Office of the Secretary of War
Robbins, James J.	Dean, Graduate School	American Univ.	1941	Research in War Communications, Library of Congress
Rockwell, L. C.	Instructor	Univ. of Cincinnati	1942	Lt. (jg), U. S. Navy
Rodee, Carlton C.	Asst. Professor	Univ. of S. Calif.	none	Public Panel Member, 10th Regional Labor Board
Rogers, Lindsay	Professor	Columbia Univ.	1942	Asst. Director, International Labour Office, Montreal
Rohr, Charles J.	Assoc. Professor	Mass. State College	1943	Captain, A.M.G., U. S. Army
Ronan, William J.	Asst. Professor	New York Univ.	1942	Lt. (jg), U.S.N.R.
Ronhovde, Andreas G.	Assoc. Professor	Montana State Univ.	1942	Special Research Div., Dept. of State

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NAME	ACADEMIC TITLE	INSTITUTION	YEAR OF LEAVE	CHARACTER OF WORK
Ross, Samuel B.	Assoc. Professor	Carnegie Institute of Technology	1942	Economic Adviser to Anti-Trust Division, Dept. of Justice
Ross, William	Instructor	West Virginia Univ.	1944	U. S. Army
Russell, John C.	Asst. Professor	Syracuse Univ.	1942	Office of Civilian Defense; Budget Office of the War Dept.; Bureau of the Budget
Rust, Bryan	Asst. Professor	Wayne Univ.	1942	Capt., U. S. Army
Schlicher, Charles P.	Asst. Professor	Univ. of Utah	1943	Classification Officer, War Dept.
Shuck, Victoria	Assoc. Professor	Mt. Holyoke College	1942–44	Administrative Analyst, Office of Price Administration, Washington, D. C.
Schwieger, Albert J.	Professor	Worcester Poly. Inst.	1943	U.S.N.R.
Seckler-Hudson, Catheryn	Professor	American Univ.	1942	Consultant, U. S. Bureau of the Budget
Segal, Irving	Instructor	Univ. of Pennsylvania	*	OPA, Philadelphia
Senning, John P.	Professor	Univ. of Nebraska	none	Panel Member, War Labor Board
Shannon, J. B.	Assoc. Professor	Univ. of Kentucky	1943–44	Head, Legislative Analysis Section Div. of Land Economics, Bureau of Agricultural Economics, Dept. of Agriculture, Washington, D. C.
			1944–45	Asst. Director, Graduate School, U. S. Dept. of Agriculture
Sharp, Walter R.	Professor	College of the City of New York	1942–43	Head Divisional Assistant, Div. of Special Research, Dept. of State
			1943–44	Technical Program Expert, Office of Foreign Relief & Rehabilitation Operations, Dept. of State
			1944–date	Chief of Organizational Planning, United Nations Interim Commission on Food and Agriculture, Dept. of State
Shea, Anthony V.	Asst. Professor	Univ. of Virginia	1943	U. S. Navy
Shipman, George A.	Assoc. Professor	Duke University	1942	Bureau of the Budget

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Shotwell, James T.	Professor Emeritus	Columbia Univ.	none	Director, Div. of Economics and History, Carnegie Endowment for International Peace; Chairman, Commission to Study the Organization of Peace; Consultant, Dept. of State; Member; Advisory Committee, Div. Cultural Relations, Dept. of State; Chairman, Advisory Com. on Economics to the Committee of International Economic Policy
Simpson, Smith	*	Univ. of Pennsylvania	*	Dept. of State; War Shipping Board
Skilling, H. Gordon	Asst. Professor	Univ. of Wisconsin	1944	Canadian Broadcasting Corp.
Smith, Dick	Instructor	Univ. of Texas	1942–43	Technician, 5th Grade, Field Artillery, U. S. Army
Smith, Theodore	Professor	Massachusetts Institute of Technology	1942	Lt., U. S. Navy
Sparks, John C.	Instructor	Antioch College	1942	Naval Officer, Office of Strategic Services
Spellacy, E. F.	Assoc. Professor	Univ. of Washington	1942	U. S. Navy
Sprout, Harold	*	Princeton Univ.	*	O.W.I.: War Dept. Gen. Staff
Stafford, Paul T.	Assoc. Professor	Princeton Univ.	1942	Lt. Commander, U. S. Navy
Stalvey, J. Benjamin	*	Univ. of Illinois	*	Educ. Dir. C.P.S. Camp, Trenton, N. D.
Starr, Joseph R.	Assoc. Professor	Univ. of Minnesota	1942	Intelligence Service, U. S. Army
Steadman, Robert	Professor	Syracuse Univ.	1944–45	Consultant, Budget Div., National Housing Agency
Steiner, H. Arthur	Asst. Professor	Univ. of California	1942	Capt., U. S. Marine Corps
Steinmeyer, R. G.	Assoc. Professor	Univ. of Maryland	*	War Production Board
Stoke, Harold W.	Professor	Univ. of Wisconsin	1944	Director, War Records Section, Bureau of the Budget
Storing, James A.	Asst. Professor	Colgate Univ.	1944	Acting Chief of Northern Branch of the Bureau of Areas; United Nations Relief and Rehabilitation Adm.
Stout, Hiram M.	Assoc. Professor	American Univ.	1941	Major, U. S. Army, Office of Military Attaché, American Embassy, London, England

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NAME	ACADEMIC TITLE	INSTITUTION	YEAR OF LEAVE	CHARACTER OF WORK
Stuart, Graham H.	Professor	Stanford Univ.	1943	Economic Analyst, American Hemisphere Div., Board of Economic Warfare, Washington
			1943–44	Head, War Records Unit, Div. of Research and Publication, Office of Public Information, Dept. of State
Taylor, William L.	*	Syracuse Univ.	*	Board of Economic Warfare
Timm, Charles A.	Professor	Univ. of Texas	1942	Principal Divisional Assistant, Div. of Mexican Affairs, Office of American Republics, Dept. of State
Titus, Charles H.	Professor	Univ. of California	1942–43	Lt. Col., U. S. Army
Tobin, Irwin M.	Asst. Professor	Rhode Island State College	1944	Office of War Information, London
Towe, Harold	*	Toledo University	*	F. A. Officer, U. S. Army
Trimble, Ernest C.	Assoc. Professor	Univ. of Kentucky	1942	Executive Secretary, Committee on Legal Appointments, O.P.A.
Van Cleve, Thomas C.	Professor	Bowdoin College	1942	Lt. Col., U. S. Army
Vandenbosch, Amry	Professor	Univ. of Kentucky	1941	Coördinator of Information Office, Washington
			1943	Div. of Territorial Studies, Dept. of State
Van Dyke, Vernon	Assoc. Professor	DePauw University	1944	U. S. Navy
Van Wagenen, R. W.	*	Yale University	*	Officer, U. S. Army, A.M.G.
Vinacke, Harold M.	Professor	Univ. of Cincinnati	1943	Office of War Information, Japanese Section
Vinsel, Kenneth P.	*	Univ. of Louisville	1942–44	W.P.B., Washington
Wailes, Bertha P.	Asst. Professor	Sweet Briar College	none	Virginia Defense Council; State Farm Labor Advisory Committee; Chairman, Sub-Committee Working with the State Supervisor of the Women's Land Army; Amherst County War Price & Rationing Board

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Walker, Harvey	Professor	Ohio State Univ.	1941–44	Lt. Col., U. S. Army
Wallace, Schuyler C.	Professor	Columbia Univ.	none	Consultant, Navy Dept.
Walp, Paul K.	Asst. Professor	Univ. of Tennessee	1943	Secretary to U. S. Civil Service Commission, Offices at the Clinton Engineering Works, Clinton, Tennessee
Walsh, Charles J.	Asst. Professor	Fordham Univ.	1940	Chief of Export Div., Office of Price Administration
Waring, James M.	Director	Fordham Univ.	none	Technical and Industrial Consultant, Bureau of Planning and Statistics, War Production Board
Warner, Kenneth O.	Professor	Univ. of Tennessee	1942	Personnel Director of O.P.A.; Asst. Administrator, Foreign Economic Adm.
Warsoff, Louis A.	Asst. Professor	Brooklyn College	1943	Captain, U. S. Army Air Corps
Van Cleve, Thomas C.	Professor	Bowdoin College	1942	Lt. Col., U. S. Army
Watkins, James T., IV.	Asst. Professor	Ohio State Univ.	1943	Lt., U. S. Navy
Webb, Wildred D.	Instructor	Univ. of Arizona	1943	O.E.M.
Webster, D. H.	Assoc. Professor	Univ. of Washington	1942	Chief Attorney, O.P.A., Seattle, Washington; Capt. A.M.G., U. S. Army
Wells, Roger H.	Professor	Bryn Mawr College	none	Public Panel Member, Philadelphia Regional War Labor Board
Wengert, Egbert S.	Assoc. Professor	Sweet Briar College	1942	Office of Price Administration, Washington, D. C.
West, Bradford W.	Assoc. Professor	Univ. of Pennsylvania	1944	Wage Administration Section, War Dept., Philadelphia, Pa.
White Leonard D.	Professor	Univ. of Chicago	none	Consultant to U. S. Civil Service Commission
White, Richard L.	Instructor	N. Dakota Agricultural College	1942	U. S. Army
Wickwar, Hardy	Professor	Connecticut College	1944	U.N.R.R.A.
Wilcox, Francis O.	*	Univ. of Louisville	*	Office of Coördinator of Inter-American Affairs
Wilk, Kurt	*	Brooklyn College	*	U. S. Army

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NAME	ACADEMIC TITLE	INSTITUTION	YEAR OF LEAVE	CHARACTER OF WORK
Willauer, Phillip B.	*	Univ. of Pennsylvania	*	Lt., U. S. N.
Williams, Benjamin H.	Professor	Univ. of Pittsburgh	1943	Principal Research Analyst, Office of Chief of Staff, War Dept.
Williams, Henry N.	Instructor	Vanderbilt Univ.	1942	Lt., U. S. Army
Wilson, O. W.	Professor	Univ. of California	*	Lt. Col. U. S. Army, C.M.P.
Wilson, Robert R.	Professor	Duke University	1944	Dept. of State, Washington
Winslow, Clinton I.	Professor	Goucher College	none	Organization and Administration, War Price & Rationing Board, Baltimore, Md.
Winters, Robert A.	Instructor	Bates College	*	Head of Footwear Unit, Rubber Branch, O.P.A.
Witte, Edwin E.	Professor	Univ. of Wisconsin	1942	War Labor Board, Washington
Wolfers, Arnold J.	Professor	Yale Univ.	none	Visiting Lecturer, School of Military Government, Charlottesville, Va.
Wood, Bryce	Asst. Professor	Swarthmore College	1942–43	Senior Administrative Asst., Div. of Political Studies, Dept. of State
			1942–43	Asst. to Deputy Director, Office of Foreign Relief and Rehabilitation Operations, Dept. of State
Wright, Baskin	Assoc. Professor	Univ. of Alabama	1942	Alabama State Office, Office of Price Administration
Wright, Quincy	Professor	Univ. of Chicago	1943–44	Foreign Economic Administration; Consultant, State Dept.
Zeis, Paul	Asst. Professor	Univ. of Akron	1942	Bureau of the Budget, Washington
Zerby, Paul E.	Asst. Professor	N. Dakota Agricultural College	1943	Asst. Economist, O.P.A., Duluth, Minn.
Ziegler, Benjamin M.	Asst. Professor	Amherst College	1942	1st Lt., U. S. Army, A.M.G.
Zink, Harold	Professor	DePauw Univ.	1944	Captain, U. S. Army, A.M.G.

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BOOK REVIEWS AND NOTICES

The Road to Serfdom. By Friedrich A. Hayek. Chicago: University of Chicago Press. 1944. Pp. xi, 250. $2.75.)

The road to serfdom is the road of socialism and planning, according to Professor Hayek. Look at the Germans, look at the Austrians. If you go forward on the road that has been travelled by you during the last ten or fifteen years, you too will be engulfed in a totalitarian society and become the serfs of a totalitarian government. The author substantiates these dire predictions with careful argumentation and much evidence to the effect that the idealists who promoted socialism in Italy, Germany, and Austria were the pathfinders of Fascism and National Socialism. In fact, he even cites Adolf Hitler as saying in February, 1941, that "basically National Socialism and Marxism are the same." (It should be recalled, though it isn't by Professor Hayek, that this was the period when, under the cloak of the Soviet-German Pact, Hitler was getting ready for his attack upon the Soviet Union.)

Perhaps some would feel that what has been said is enough. However, the argument of Professor Hayek has made a deep impression in certain circles, and deserves a somewhat more detailed review. The run of Hayek's argument is rather simple. After stating the basic theme mentioned above, he advances, at the end of the Introduction, the following proposition: "It was the prevalence of socialist views and not Prussianism that Germany had in common with Italy and Russia—and it was from the masses and not from the classes steeped in the Prussian tradition, and favored by it, that National Socialism arose." Even if Spengler had not quite convincingly argued the deep link between Prussianism and the regimented state socialism characteristic of Germany in his *Preussentum und Sozialismus*, Hayek's alternative in the second part of his statement is essentially false. For it was precisely the classes steeped in the Prussian tradition of state regimentation which, combined with the masses of peasants and small bourgeoisie who had not yet undergone the political education provided in the social democratic trade unions, produced National Socialism.

In the first chapter, entitled "The Abandoned Road," Hayek argues that we have abandoned the road of freedom, which is the road of "how we can make best use of the spontaneous forces found in a free society." As far as one can make out, this "free society" of Hayek's is the bleak 1840's in England when Manchester exploitation reigned supreme, when the enterpriser was wholly free to practice his "astuteness for ambushing the community's loose change," as Veblen once so sardonically expressed it. Although "freedom" is a key concept in Hayek's thought pattern, it nowhere receives any careful analysis, and the intricate problems of who

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is to be free for what, which have troubled since men began to think about freedom, are left unattended.

The second chapter deals with "The Great Utopia." This utopia is, of course, socialism. Peter Drucker, Walter Lippmann, and other heavy thinkers are adduced in support of the contention that socialism and communism are "an illusion." Moreover, they are merely the first step toward Fascism. Even Hitler says so. In fact, the two are practically the same. The fact that the *word* socialism stands for the greatest variety of governmental schemes, that it may mean trade union democracy, or the dictatorship of a class-conscious proletarian *élite*, or the tyranny of a self-appointed racist *élite*, or yet mainly land reform within the dissolving context of Asiatic peoples—this fact is hardly mentioned by Hayek, let alone subjected to any kind of differentiated analysis.

Yet upon this shaky foundation, Hayek is ready to turn to a discussion of "Individualism and Collectivism." He makes it amply clear that he does not wish to have individualism understood as a "dogmatic *laissez faire* attitude" (although this has frequently been represented as being Hayek's view). But since it is not, Hayek is distorting the other side when he writes: "What our planners demand is a central direction of all economic activity according to a single plan, laying down how the resources of society should be 'consciously directed' to serve particular ends in a definite way." I call this statement a distortion, because, actually, planners from the National Resources Planning Board down have labored to combat this teleological conception of planning. Notably Charles E. Merriam, in a series of noteworthy studies, has developed the conception of coöperative planning which is almost the opposite. I would quote him him but for the fact that his views are so well known. (To complete his demonstration of ignorance of most relevant writings and experience in the field whereof he treats, Hayek states (p. 38): "The systematic study of the forms of legal institutions which will make the competitive system work efficiently has been sadly neglected"—this in spite of John R. Commons' monumental work.)

Hayek next addresses himself to "The 'Inevitability' of Planning." He does not think planning is inevitable, but the result of deliberate action. But who among the advocates of planning as inevitable does not believe it to be the result of deliberate action? How could he be an advocate of it if he did not? It is clear that the inevitability is one of rational rather than material compulsion. Does Hayek deal with this rational compulsion? Hardly. "The movement for planning owes its present strength largely to the fact that, while planning is in the main still an ambition, it unites almost all the single-minded idealists, all the men and women who have devoted their lives to a single task." As a member of the Windham County Agricultural Planning Committee, I wonder where Hayek has been all

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this time. Planning is not an ambition, but a solid fact, and a fact that unites such single-minded idealists as the dairy farmers of Windham county.

Having thus laid a solid foundation of factual report and theoretical analysis, Hayek next proceeds to tackle the fascinating topic of "Planning and Democracy." After an excursion into metaphysics which clusters around the extreme subjectivism that "scales of values exist only in individual minds," he lays down the conclusion that "common action is thus limited to the fields where people agree on common ends." This statement Hayek seems to consider a devastating one for the idea of democratic planning; unhappily for him, it happens to be the very basis of such planning. His allegation that we are "forced to produce agreement on everything in order that any action can be taken," is almost incomprehensible in the light of the work of planners throughout the United States. Yet "the delegation of particular technical tasks to separate bodies, . . . is yet only the first step in the process whereby a democracy which embarks on planning progressively relinquishes its powers." We had thought that when democracy or anything else acquires powers, it does not relinquish them. But, according to Hayek, both can be done at the same time; for "the belief is becoming more and more widespread that, if things are to get done, the responsible authorities must be freed from the fetters of democratic procedure." How come? To quote from our Plan for Greater Boston: "We believe that only genuine democratic sharing of responsibility for metropolitan government can give us the necessary long range support." And again: "We believe citizen participation to be absolutely essential to any effective progress in the metropolitan community." Yet, according to Hayek, "the clash between planning and democracy arises simply from the fact that the latter is an obstacle to the suppression of freedom which the direction of economic activity requires." Freedom of whom? Freedom for what?

"Planning and the Rule of Law" appears to be the keystone in the arch of the argument. For if it is procedure which the planning process threatens with corruption, then the procedural is paramount. Unfortunately, Hayek operates with an imprecise and historically questionable concept of the rule of law. "Stripped of all its technicalities, this means that government in all its actions is bound by rules fixed and announced beforehand . . ." (p. 72) He asks us to discard the "narrower technical meaning" which the term is said to have acquired through Dicey's work. Granting this (though reluctantly), it still remains to be pointed out that Hayek's statement is at variance with the traditional concept. As Dean Pound puts it very clearly in the *Encyclopedia of the Social Sciences*, the rule of law "is a characteristic doctrine of the common law that the judiciary, in ordinary legal proceedings, may pronounce upon the validity of

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acts. . . ." Hayek shows no trace of familiarity with the history of the doctrine, no inkling of the fact that it was first clearly formulated by Sir Edward Coke, in his *Second Institute*. Instead, he claims that the idea is a "Whig" doctrine, and attributes it to Locke. Actually, Locke had no clear conception of the "rule of law," but rather expounded the sharp majoritarian principle usually though falsely attributed to Rousseau, as Willmoore Kendall has shown in *John Locke and the Doctrine of Majority-Rule*.

Equally false and misleading is Hayek's identification of the rule of law and of *Rechtsstaat*. This idea has a long history traced with masterly hand by Otto von Gierke in Chapter VI of *The Development of Political Theory* (trans. Bernard Freyd). In its various forms, it is an attempt to restrict the power of the state by the idea of an antecedent law. While both the idea of the *Rechtsstaat* and the doctrine of the rule of law seek to confine within the narrowest possible limits the arbitrary action of government and its officials, the rule of law stresses the rôle of the judiciary, while the *Rechtsstaat* stresses that of the legislative power.

The argument is crucial to the whole train of thought presented by Hayek, because upon it rests the alleged prospective parallelism between developments in Germany and Austria on the one hand and England and America on the other. Had Hayek taken greater care to determine just what were the elements of similarity in the two governmental traditions, he would have discovered the crucial fact that fascism (and sovietism) fitted into the solid administrative tradition of more than three hundred years of centralized bureaucracy. His failure to do so wrecks his whole argument. For the chapters which follow, on "Economic Controls," "Security," "Why the Worst Get on Top," and so on, depend upon the cogency of the preceding scheme. I hope to have shown that this scheme is untenable both on historical and empirical, and on logical and analytical, grounds.

One point remains to be noted. It is a failure of omission. In spite of his alleged concern for the freedom of the individual, Hayek shows little belief in the common man and his capacity for useful participation in the community's common concerns. It seems a mean trick to turn the tables on him, but I cannot help feeling that *he*, rather than the socialists whom he denounces, lacks both faith in and understanding of the coöperative freedom that is the American conception of democracy. To paraphrase a sentence which we quoted from Hayek at the outset: "It was a belief in the superior wisdom of the bureaucracy (an *élite*, the state), and not the prevalence of socialist views, that Germany had in common with Italy and Russia—and it was from the classes steeped in that tradition as well as the non-emancipated masses that national socialism arose." The expert on top, the *Fuehrer der's schon maachen wird*, the servile docility in the

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face of brass hats—these are the governmental ingredients of a tradition which corrupted the belief in man's capacity for greater and greater co-operation as manifest in, say, David Owen, decried the belief in group work and planning as Utopian, and converted the belief in a modest, yet useful, common man into the strident fanaticism of a self-appointed world-*élite* or master race. The road to serfdom lies through the timid disbelief in the capacity of the people to rule themselves. Hayek considers "misleading and unfounded" "the belief that, so long as the ultimate source of power is the will of the majority, the power cannot be arbitrary." We believe that "a majority of common men may, in response to urgent needs, abandon one freedom for another. They may fail even to realize the full import of these freedoms. They are not apt to be satisfied for any length of time with the loss of all freedoms" (*The New Belief in the Common Man*, p. 150). As Lincoln so well put it in a letter to a friend: "Remember, Dick, to keep close to the people—they are always right and will mislead no one." The will of the people is not the road to serfdom, but the only method for achieving such freedom as the common man has ever enjoyed.

CARL J. FRIEDRICH.

Harvard University.

The Children of Light and the Children of Darkness; A Vindication of Democracy and a Critique of its Traditional Defence. BY REINHOLD NIEBUHR. (New York: Charles Scribner's Sons. 1944. Pp. xiii, 190. $2.00.)

That one of the most profound and helpful discussions of democratic theory and practice to appear in recent years should come from the pen of America's most eminent theologian is a fact that has significant implications for political science. To those who would reject the insights of the Christian religion as being inconsequential or irrelevant to professional students of politics, this book is a vigorous challenge; for it opens up wide vistas of inquiry and penetrates to political realities in a manner that political science, as a strictly empirical and descriptive study, has overlooked and often obscured.

It is the author's thesis that "democracy has a more compelling justification and requires a more realistic vindication than is given it by the liberal culture with which it has been associated in modern history" (p. x). The grave defect of liberal democracy was its optimistic underestimation of the human capacity for evil. Niebuhr would ascribe the plight of modern democratic civilization not so much to moral cynicism as to moral sentimentality. Face to face with moral cynicism, the liberal democrat had neither the understanding nor the institutional controls to combat and

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restrain it. He underestimated not only his opponents' capacity for evil but also his own.

The rejection by modern civilization of the Christian doctrine of original sin robbed bourgeois liberal theory, Niebuhr believes, of real wisdom. "Whenever modern idealists are confronted with the divisive and corrosive effects of man's self-love, they look for some immediate cause of this perennial tendency, usually in some specific form of social organization. One school holds that men would be good if only political institutions would not corrupt them; another believes that they would be good if the prior evil of a faulty economic organization could be eliminated. Or another school thinks of this evil as no more than ignorance, and therefore waits for a more perfect educational process to redeem man from his partial and particular loyalties. But no school asks how it is that an essentially good man could have produced corrupting and tyrannical political organizations or exploiting economic organizations or fanatical and superstitious religious organizations" (p. 17).

It is "man's capacity for justice" which "makes democracy possible," but it is "man's inclination to injustice" which "makes democracy necessary" (p. xi). Democracy, as a "method of finding proximate solutions for insoluble problems" (p. 118), requires, the author insists, a conception of human nature and of history that avoids the pitfalls both of complacent optimism and of despairing pessimism. Such a conception is contained in the Christian faith, "which understands the fragmentary and broken character of all historic achievements and yet has confidence in their meaning because it knows their completion to be in the hands of a Divine Power, whose resources are greater than those of men, and whose suffering love can overcome the corruptions of man's achievements, without negating the significance of our striving" (pp. 189–190).

Niebuhr's political philosophy is realistic without being cynical, and confident without being fatuous. Yet one is left with the feeling that he is unduly harsh on "the children of light" (the moral idealists) and unduly indulgent with "the children of darkness" (the moral cynics). One is damned apparently whichever way he turns—for foolishness, if a child of light; for evil, if a child of darkness. Political naiveté is probably no more a monopoly of the children of light than political wisdom is a monopoly of the children of darkness.

And one may justly criticize the author for failing, in this book at least, to play the game himself. No one in real life can sit on the sidelines as a critical spectator forever observing the frailties and virtues of the opposing forces. Sooner or later, he must choose sides and make positive commitments. You may, of necessity, have to be content with "proximate" solutions, but the very fact that you regard the solution as "proximate"

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presupposes commitment to a standard that is absolute. You cannot approximate justice without a conception of what would be absolutely just.

JOHN H. HALLOWELL.

Duke University.

Twilight of Individual Liberty. BY HAMILTON VREELAND, JR. (New York: Charles Scribner's Sons. 1944. Pp. iv, 171. $2.00.)

This book is a combination of lament, warning, and diatribe. We have abandoned, it seems, the tradition of English liberty, which "consists of a system of standards below which government may not go in the treatment of human beings" (p. 9). The United States "is becoming a democratic despotism" (p. 12). "Of all the absolutisms, democratic despotism is, in my opinion, the worst . . . " (p. 142). It has apparently not yet arrived in all its worst features, however, for the author says that "if it ever comes to exist in this country, which God forbid, we shall have only one alphabetical agency—the Triple P, meaning Professional Politicians' Paradise" (p. 143). Apart from war measures, "we have, in the last ten years, witnessed an enormous extension of Federal power and a considerable extension of State power, both at the expense of individual liberty" (p. ii). Bureaucracy has been made not only possible but necessary by "the upholding by the United States Supreme Court of regulatory legislation far beyond the constitutional limits formerly placed thereon" (p. i). The "change toward legislative absolutism has apparently been effected through the adoption by a majority of the Supreme Court of the judicial philosophy of Mr. Justice Holmes" (pp. ii–iii). Long lines of decisions are marshaled to demonstrate and show the seriousness of this judicial aberration.

The author includes in his Introduction the comment: "Perhaps I am guilty of over-simplification of a rather complex subject." With this comment the reviewer heartily agrees. No concept in the field of American political thought is in greater need of careful re-examination and redefinition than that of liberty. Government today faces no task greater than that of giving protection to the essentials of liberty while at the same time performing the functions of control which must be performed by some agency or agencies if our complex system of mass-production industrialism is to continue to operate and maintain some relation to the public welfare. Mr. Vreeland's book, unfortunately, provides little help in the discovery of the essentials of liberty. It suggests no alternative to the régime which it denounces other than that of governmental retreat from the area which it entered in order to cope with the problems of the depression and the broader problems of a nation and a world suddenly caught in a network of entangled industrial and commercial relation-

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ships. In its lamentation over the expansion of governmental power, it makes no mention of the consolidation of power in gigantic corporations in the United States and other countries, corporations which wield more influence in the world of affairs than do some national states. It does not say that these corporations can be trusted to serve the public interest and to avoid encroachments on individual liberty, whereas government cannot. Evidently because on certain historical occasions "the people traded liberty for security and lost both" (p. 145), we should take through government no unprecedented steps to solve the unique problems of our economy. The book is negative from beginning to end. Political science will have to do better if it is to contribute either to the protection of liberty or to the preservation of order.

CARL BRENT SWISHER.

Johns Hopkins University.

The Reorganization of Congress. By GEORGE B. GALLOWAY ET AL. A Report of the Committee on Congress of the American Political Science Association (Washington D. C.: Public Affairs Press. 1945. Pp. 89. $1.00.)

Strengthening the Congress. By ROBERT HELLER. Planning Pamphlets, No. 39. January, 1945. (New York: National Planning Association. 1945. Pp. iii, 39. $0.25.)

Two significant reports issued almost simultaneously focus attention, both lay and scholarly, upon the "problem" of Congress. The capable Committee on Congress of the American Political Science Association, diligently chairmaned by George B. Galloway, approached its task "from the standpoint of exploring ways to make Congress more effective." It produced a report of considerable practical value to Congress, which significantly, perhaps for a related reason, seems hospitable toward suggestions. With a realistic understanding of present difficulties, the study states the facts of each problem, discusses various remedies, often with an impartial statement of the pros and cons of each, and then presents a pragmatic solution more likely to be accepted by the congressman than by the theorizer. This presentation is in marked contrast to the succinct, numbered recommendations made by Robert Heller, engineer and business consultant, whose pamphlet on Congress was prepared for the National Planning Association.

The report of the political scientists first discusses internal organization and operation of Congress under the headings of congestion of business, staffing, the committee system, and compensation of personnel. To reduce legislative business, the Committee would divest Congress of the government of the District of Columbia and the settlement of private claims and pensions, thus eliminating the Private Calendar. Another proposal to this

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end is greater use of government corporations (which, however, should be created only when this particular form of administrative organization is appropriate, and not primarily to relieve Congress). Various forms of devolution were also considered as means of lessening the work of the lawmakers, but wisely dismissed. The Committee believes Congress should have independent research facilities equal in quality to the staff aid in the executive branch. There was no agreement upon whether the legislative staff should be attached to committees or drawn from a central pool, or both. Increased appropriations are suggested for the Office of Legislative Counsel and the Legislative Reference Service. The suggestion that the congressional staff, once created, is "not to determine, nor necessarily to oppose, the departmental experts" is easier made than enforced.

Reorganization of the committee system should be carried out, in the opinion of the political scientists, by eliminating inactive committees and consolidating overlapping ones, and by creating twin committees organized functionally in both houses. This scheme of parallel committees is also to be coördinated with the administrative branch, thus improving the machinery for legislative-executive coöperation on governmental policy. Seniority in committee chairmanships would be brought to an end and tenure limited to six years. Feasible alternative methods of selection are proposed. The perquisites of the lawmakers would be increased by adding to the allowance for clerk hire, increasing salaries, and introducing retirement allowances.

Turning to the external relationships of Congress, the Galloway report considers relations with the administration, the electorate, and interest groups. The standing committees, reorganized of course, would serve as vehicles of communication with the corresponding administrative agencies, which in turn, it is suggested, should appoint congressional secretaries as liaison agents. The relationship between the leaders of Congress and the President is to be formalized by establishment of a legislative council composed of the "big four" plus chairmen of standing committees. This arrangement is supported as a means of promoting better teamwork with the administration and providing responsible and planned legislative leadership. This suggestion demonstrates the laboratory possibilities of federalism, which should likewise make for an awareness that legislative councils do not always encourage legislative coöperation with the executive. While not specifically rejecting other procedures for more effective inspection of administrative action, the committee recommends that this "increasingly important" responsibility be entrusted primarily to subcommittees of the House Committee on Appropriations at informal open hearings.

After the committee sympathetically considers the tasks imposed on

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the lawmakers by insistent constituents, the cure suggested is better public understanding of the legislative process; of the several methods of enlightenment considered, none is endorsed as a final recommendation.

Exactly what recommendations the Committee means to stand by is difficult to determine, for what often seems to be an earnest proposal in the body of the report is not included in the final recapitulation of recommendations. New suggestions also appear in the summary which do not clearly stand out elsewhere. This proliferation of ideas was undoubtedly an effort to present Congress with many alternatives as well as to accommodate the thinking of many minds. Nevertheless, it is unfortunate from the standpoint of public understanding and education. It causes confusion which the Heller pamphlet avoids, albeit by over-simplication.

Part I of the Planning Association pamphlet deals with the four primary functions of Congress, followed by a list of five prerequisites for their adequate performance. Cost, the author correctly maintains, should not be a factor in the consideration of any needed improvements. It is pointed out that a well integrated program of reform is possible through congressional action alone without resort to constitutional amendment, and Part II sets forth fourteen proposed changes. These recommendations agree with those made by the political scientists except that the executive would be held to stricter accountability by proposals to extend the usefulness of the General Accounting Office, establish a joint committee for public accounts, and question excutive department heads before each house. The engineer-author sometimes offers a succinct forthright solution to what is a deep-seated, many-faceted problem, incapable of such easy summary disposal. He emphasizes the necessity for a focal point within Congress and suggests a mechanism for the exercise of party leadership which would focus party accountability and fix responsibility for legislative action. His Majority Policy Committee has much to commend it, but it is doubtful whether it would accomplish the author's purpose. He overlooks the elementary fact that our party structure is decentralized and that congressmen are more dominated by local party organization than by national party leadership, be it from their own group in Congress or the White House.

The Heller report, based as it is primarily on work external to Congress and without enough concern for the traditions of that body, is not likely to influence congressmen. It will direct the thinking of influential citizens toward the dire need for congressional reform. The report of the political scientists, written in the atmosphere of Congress, will in greater likelihood be considered by Congress if the legislative branch is really bent on self-improvement.

JOHN A. PERKINS.

International City Managers' Association.

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The Declaration of Independence; The Evolution of the Text as Shown in Facsimiles of Various Drafts by its Author, Thomas Jefferson. By JULIAN P. BOYD. (Princeton: Princeton University Press. 1945. Pp. 46, plus 46 pages of facsimiles. $3.50.)

This edition of *The Declaration of Independence* makes available to the public the brochure printed for the Library of Congress on the occasion of the Library's Bicentennial Exposition celebrating the two-hundredth anniversary of Jefferson's birth. In his account of the evolution of the text of the Declaration, Dr. Boyd has solved many of the most difficult problems relating to that famous document, problems previously studied by Becker, Hazelton, Fitzpatrick, and others, to all of whom Dr. Boyd pays due tribute.

Dr. Boyd first gives a brief account of the background of the Declaration, which was truly "an expression of the American mind." To Timothy Pickering's charge that Jefferson contributed nothing original or solely Jeffersonian, the reply is made that Jefferson "identified the harmonizing sentiments of the day with concepts of government which had an ancient and diverse lineage," and yet did it in a prose style which stamped the product of his pen "as indubitably and singly Jeffersonian." "The greatness of his achievement," declared Dr. Boyd, "aside from the fact that he created one of the outstanding literary documents of the world and of all time, was that he identified its sublime purpose with the roots of liberal traditions that spread back to England, to Scotland, to Geneva, to Holland, to Germany, to Rome, and to Athens."

Under the heading, "Two Influential Documents," Dr. Boyd asserts that when Jefferson sat down to the task of writing the Declaration it is scarcely possible that he could have escaped a reliance on his own draft of a proposed constitution for Virginia and on George Mason's bill of rights adopted by the convention of Virginia on June 12, 1776. This is evidenced by the fact that in his draft of a fundamental law for Virginia, Jefferson catalogued a series of charges against George III similar to his indictment of the king in the Declaration. The sequence of charges in both documents and their parallel phraseology indicate, according to Dr. Boyd, that Jefferson copied from his earlier document in writing the Declaration.

Of Jefferson's debt to George Mason's Declaration of Rights, Dr. Boyd says that "the similarity that exists is a similarity of ideas" and expresses doubt that the case has been proved that Jefferson was as directly influenced by Mason's Declaration as he was by his own proposed constitution of Virginia.

Six texts of the Declaration in Jefferson's handwriting, together with the copy in the handwriting of John Adams, are used to trace the evolu-

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tion of the text through its formative history. Due attention is paid also to the three official texts of the Declaration. Emphasis is laid on three distinct stages: Jefferson's original draft before it was presented to the members of the Committee of Five for criticism; the draft after the members of the Committee had completed their alterations; and the draft after Congress had made its excisions and additions. This part of Dr. Boyd's study is a masterpiece of internal criticism. The conclusion is reached that, "both numerically and quantitatively, Congress eliminated more and added fewer words to the Declaration than any or all of the Committee of Five." These changes wounded Jefferson's pride of authorship, but, in Dr. Boyd's opinion, they improved the Declaration.

The descriptions of the ten documents which are reproduced are exceedingly valuable in any study of the Declaration. Particularly interesting are the copies made by Jefferson for Richard Henry Lee and for George Wythe. Concerning the latter, Dr. Boyd is quite certain that the copy in the New York Public Library is the one sent by Jefferson to Wythe.

The facsimiles of the various drafts add materially to the attractiveness of a volume which must be given very high rank in the field of American historical scholarship.

EVERETT S. BROWN.

University of Michigan.

Our Jungle Diplomacy. BY WILLIAM FRANKLIN SANDS. In collaboration with Joseph M. Lalley. (Chapel Hill: University of North Carolina Press. 1944. Pp. 250. $2.50.)

This volume is an exception to the rule that books of diplomatic reminiscence must be tedious, stiff, and unenlightening. To illustrate, note that both Sands and Hugh Wilson served in Guatemala during Taft's administration. Wilson's *Education of a Diplomat* reaches no conclusions concerning our force diplomacy, and is "discreet" (and dull) in comments about diplomats and business men. Sands, on the other hand, states his views in a lively fashion, pulls no punches in discussing such dictators as Estrada Cabrera, such filibusters as Lee Christmas, such concession-seekers as William O. Sulzer, such ranking politicians as Philander C. Knox. Even those who cannot accept all the judgments here pronounced will appreciate the author's frankness.

Most of *Our Jungle Diplomacy* deals with Sands' experiences in Latin America from 1905 to 1911. He was secretary of legation in Panama and Guatemala, secretary of embassy in Mexico, minister to Guatemala, and, after resigning from the diplomatic service, visited Ecuador on a business mission. He thus had opportunities to observe the unfolding of

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United States policies during a critical period. We are glad to have his description of the techniques of Latin American dictators, their deals with American financial interests, their relations with our military and diplomatic agents. Important, too, are the characterizations of the Americans who participated in the building up of American interests in the regions to the south. Here, for instance, is a good description of the work of John F. Stevens, who preceded Goethals as engineer in charge of digging the Panama Canal. Here is an interesting description of the Ecuadorian troubles of 1911, and the labors and views of David E. Thompson, United States ambassador to Mexico in 1906–09.

Sands often disapproved of the policies of his superiors. He considered Theodore Roosevelt impulsive, dictatorial, inclined to play favorites. Taft was cold, legalistic, ineffective. Root and Bacon were satisfactory Secretaries of State, Knox clever but lazy. All three, Sands thought, were hampered by the poor organization of the State Department and the attitude of chief subordinates. Merit was ignored in the foreign service, Sands came to feel; promotion was by intrigue or by business and political connections. Some young men adjusted themselves to the system. Sands, never a yielding individual, chose to resist. At least once, he was openly insubordinate. And clashes with superiors finally led him to quit the service.

There is an effort to tie the Latin American story to the Far Eastern picture, in suggestions that our expansion southward provided a pattern for the Japanese in Asia. To be sure, imperialist techniques are similar all over the world; but Sands fails to show a direct connection in this case. The effort to establish the relationship suggests that Sands strongly opposed dollar diplomacy. So he did, on some occasions. He disliked the personality and program of Assistant Secretary of State Huntington Wilson, who had much to do with Knox's policies. And Sands' resignation came in a controversy over the "sordid and dangerous" Sulzer concession. But Sands thought well of Minor Keith and Lee Christmas, of Joseph Lee and David Thompson, and of others who promoted the interests of American expansion. He himself went to South America for a New York banking house after leaving the diplomatic service. It should be understood, therefore, that the book is an attack upon some of the methods of American expansion—not the expansion itself.

This is Sands' second book of recollections. His first, *Undiplomatic Memories*, covered his stay in the Orient. Let us hope that a third volume will tell us about his career after 1911, especially his service with the Commission on Relief of Prisoners of War in Russia, 1916–17.

FRED HARVEY HARRINGTON.

University of Wisconsin.

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The Governments of the Major Foreign Powers. EDITED BY HERMAN BEUKEMA. (West Point, New York: United States Military Academy. 1945. Pp. xxiii, 252.)

This volume is intended solely for the use of students at the United States Military Academy and is designed for the future army officer "who in due time may be concerned with the making or execution of governmental policies" (p. viii). Evaluation of the work demands an awareness of the fact that though political science, history, and economics are important to the cadet, they are none the less ancillary to the main objective of the Academy curriculum, namely, the training of military officers. Thus, tactics, military engineering, mathematics, electricity, ordnance and gunnery, chemistry, and the like, are subjects to which the cadet devotes a major portion of his time. In fact, according to the *Information Pamphlet, United States Military Academy, West Point, N. Y.* (Edition 1945), under the present accelerated course only eleven periods are provided for a study of comparative government (p. 35). In so short a course, a somewhat abbreviated text is necessary.

This text describes six major foreign governments—those of Great Britain, France, Italy, Germany, Russia, and Japan—and devotes an average of thirty-eight pages to each. The treatment of each government is about the same: background, constitutional and philosophical bases, legislative, executive, and judicial organization, local government, civil rights, foreign affairs, and the armed forces. Those of us who have used the larger texts, such as Ogg's *English Government and Politics* or Shotwell's *Governments of Continental Europe*, might condemn this text as being bare in presentation and unstimulating; and it is truly a skeletal account of foreign government. Civil rights in Great Britain are disposed of in three very short paragraphs; the Fascist corporate state is covered in little more than a page; political parties and groups under the Third French Republic, in about a page and a half; National Socialist doctrine, in two and one-half pages. Bearing in mind, however, the short time allotted to the students for a study of comparative government, it must be concluded that the authors of this work have developed an admirable textbook which is clear, concise, and of the essence of the subject.

Fully half of the section on France is devoted, first, to the Vichy Government, its structure and powers, its political groups, local government and repressive measures, and finally, its dissolution; and second, to the establishment in 1943 of the Provisional Government of the French Republic. This government is described as of late 1944. The section on Italy includes a consideration of the downfall of Mussolini and the creation of the Badoglio régime and its successor, the Bonomi government. In this connection, there is some discussion of the organization and activities of the Allied Military Government and the Allied Control Commission and

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their consolidation early in 1944. The nature of Mussolini's puppet government in northern Italy is discussed.

The text is interspersed with illustrations, charts, official documents, and maps, and the volume closes with an excellent bibliography.

C. GORDON POST.

Vassar College.

Representative Bureaucracy; An Interpretation of the British Civil Service. By J. DONALD KINGSLEY. (Yellow Springs, Ohio: The Antioch Press. 1944. Pp. 324. $3.50.)

For eighty years the British civil service has been an object of interest and study to American students of government; Jenckes, Eaton, Moses, Lambie, Stout, and now Kingsley, have all given us descriptive and analytical accounts, and all so good that even the earlier ones have value for us to this day. This newest one contains an historical section, not quite one-half of the text, and an analysis of the civil service on the eve of the war, with some brief references to the war experience. Its unique objective is stated by the author in the preface as follows: "I have undertaken (in the historical chapters) to sustain a thesis—a thesis of the utmost importance to any understanding of our own times—but one which I have thought it necessary to document lavishly. My history is, in a sense, polemical; and one must be more indefatigable in amassing evidence under such circumstances than might otherwise be the case."

Shortly after this passage occurs a tribute from the author to his teacher, Professor Laski, who "did more than to provide me with information: he brought me understanding and a point of view which has ever since formed the focus of my thinking." Those who have had the good fortune to be students of Professor Laski will appreciate both his generosity to his students and the permeating influence of his thought. But Mr. Kingsley's thesis is set forth and powerfully argued in his own right. Briefly stated, it is that the civil service as developed in Britain in the last century—that is, up to the present time—has been the deliberate creation of an instrument of a middle-class plutocracy.

Your reviewer has difficulty in making this thesis conform with some aspects of social development in Great Britain, and in the modern world generally (such as, for example, the apparent eagerness of that class to attack fiercely the bureaucracy, the equally important fact of national sentiment that cross-sects class lines, and the substantial extent of public services that seem to be accepted as a necessary complement to an industrial and interdependent society); and yet he believes that this does not disqualify him from stating that it is important to have such a thesis stated and argued so ably, nor from saying that he finds the book interesting and full of good things. He has noted at more places than there is

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space here to indicate, passages, judgments, observations, which are challenging, and which raise important considerations—as, for example, such topics as the influence of Bentham, the wish that the author had further explored the work done at Haileybury, the different conclusions of the Hammonds as to the significance of the course of study at Oxford in the early nineteenth century, the question of the neutrality of the civil servant, whether Whitleyism was a "concession" or an advance toward sharing responsibility from which too many trade union officials shrank, whether the American recruitment for higher education is really so much more "democratic" (and what does the author mean by that word?), whether education in the physical and biological sciences really does as yet produce a potential administrator in a sense other than for posts confined largely to problems of physical technology, and many others.

To say this is to indicate how valuable a book this will be to teachers of comparative government and public administration. For it both raises the deep and wide question of the political setting of the bureaucracy, which we need greatly to study, and also supplies penetrating and competent analyses of many of the most important technical problems of recruitment (including promotion), education, personnel administration, civil servant organizations and their relations to other professional and craft organizations, and parliamentary control. The author's discussion of the significance of the bureaucracy in modern society is in refreshing contrast to some current discussions by less informed observers. Thus: "The influence of the bureaucracy is inescapably large in an industrial State." But he feels that, for controls, one must go deeper than "parliamentary and judicial control. . . . " As to "direct participation by organized groups in the administrative process," which the author suggests, we shall have to go deeper than that—and explore again, and constantly, and more freshly and imaginatively, older questions of legislative and judicial institutions and procedures—and even party controls. But it is good to see the statement that there has been too much "indifference of political theorists to administrative facts" and that too much constitutional doctrine has ignored the rôle of the bureaucracy.

A final chapter entitled "Preview of the Planning State" is a most stimulating evaluation of the experience of the British civil service in the present war. The author points out the inadequacies of the system for the newer types of responsibilities, the devices employed to recruit new personnel, and the lessons to be drawn from this. I suspect that the English practice of making the adjustments by retaining much of the older procedures and standards while widening access to the educational means to achieve entrance will continue along with innovations; but on all this Mr. Kingsley has interesting and challenging observations to make. His book may profitably be read along with Mrs. Lynd's recently published

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England in the Eighteen-Eighties for the lessons to be learned, by rejection as well as acceptance, from these writings consciously designed to prepare us for a new society.

JOHN M. GAUS.

University of Wisconsin.

England in the Eighteen-Eighties: Towards a Social Basis for Freedom. By HELEN MERRELL LYND. (London and New York: Oxford University Press. 1945. Pp. viii, 508. $4.50.)

Any book by the co-author of *Middletown* will receive respectful attention. Any book with the purpose of this one should command serious professional interest.

Mrs. Lynd has written a book whose basic thesis appears to be that England in the 1880's resembled the United States in the 1940's in that the countries were undergoing similar national crises, and that there was apprehension about the future, particularly in industry and in imperial rivalries. While warning us that "reading the fears and hopes of our own time into a comparable period of the past can easily become an overplausible occupation," she accepts the old theory that "changes in life and thought in England" are about fifty years ahead of those in the United States, and suggests that "if we do not press the historical comparison too far" we can "gain some insight into possible directions of change" in the United States from a study of this critical period in England.

The assumptions are fascinating. Agreeing with the author that, if the comparison is apt, a certain amount of prophesying can safely be indulged in, the reader (or reviewer) is forced to decide first whether the similarities in fact do exist. Here the reviewer (as a student of recent English institutional history) finds himself with the residual belief that there is no special similarity between the English 1880's and the American 1940's, but that there are other comparisons of the sort which might have greater suggestive value, e.g., the hackneyed comparison between the liberal government of 1905 and the New Deal, and the less conventional comparison between the two subsequent stages of liberalism at war. The question of whether the initial proposition is true is not, however, one which either author or reviewer can settle *a priori*. As to the consequent question of whether the book itself shows the comparison to have been a valid one, the reviewer remains entirely unconvinced.

The body of the volume is divided into two parts. Part I, "Changes in the 'Eighties," has chapters entitled "Material Environment," "Environment of Ideas," "Intruding Events," and "Signs of Change." Part II, "Rôle of Social Institutions in Change," has chapters on political parties, organized labor, religion, education, and "organization for change."

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Very extensive reading has made it possible for the author to fill the somewhat rambling discussions which come under these headings with interesting quotations. The general tendency of the presentation is to the effect that new ideas were coming into a confused and troubled area.

Writing such a book as this presents a number of special problems, which are illuminated by the example before us. One is the difficulty of delimiting a time-area to be covered. The author does not stick closely to her time limits. Most of the dates illustrating industrial progress on p. 36, for instance, are outside the 1880's. Again, a quotation from an American dated 1908 is used to establish Roman Catholic doctrine on social reform. Another problem is the difficulty of generalization, as illustrated by remarks which will make the acute student hesitate, such as that Lord Salisbury was "less assiduous in foreign policy than Disraeli" (p. 208), or that the Nonconformists were "the strongest religious group in England" (p. 327). Another is the problem of emphasis. Since (in England in the 1880's) the minority of people who wanted reform were also the minority who were articulate, there is a tendency for the writer who approaches the period through the records of its thought to overestimate the numbers and importance of this minority.

EUGENE P. CHASE.

Lafayette College.

The Junker in the Prussian Administration. By LYSBETH WALKER MUNCY. (Providence: Brown University. 1944. Pp. ix, 256. $3.00).

In this book "the many and oft-repeated generalizations and complaints about the degree of the Junker's influence over the Prussian administration" are critically examined by reconstructing, from numerous primary and secondary sources, the careers of the Junker officials in Prussia during the reign of William II. The author defines the Junkers generally as the landed gentry of Prussia's eastern provinces, who were marked more by their social position and hereditary privileges than by extremely large land-holdings and great riches. Most of their estates did not exceed 5,000 acres, and a large proportion of the officials examined held no property whatever, or even had been removed from the land for two generations or longer. As a class, the Junkers showed great social solidarity, being bound together by historical traditions and fundamental traits acquired during many years of privileged status. Highly exclusive marriage customs and consistency in the choice of careers tended to preserve those traits. In addition to that of farmer, the occupations traditionally chosen were those of army officer and administrative official; although these did not offer riches, they promised satisfaction of the Junker's desire for authority and showed that he was more interested in the preservation of tradition than in economic gain, although no doubt the economic security of a military or administrative career was not without attraction to the members

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of the landless as well as the land-owning Junker families in an era of diminishing returns from the land.

In his career as an administrative official lay the Junker's capacity for political influence. Between 1888 and 1914, Dr. Muncy finds, a total of 1,500 members of Junker families held paid or unpaid administrative posts in Prussia, about half of them serving in the provincial and local governments and the other half in the Prussian state administration, either at the royal court and in the ministries at Berlin or in the state's administrative outposts in the provinces or smaller districts. The office of *Landrat*, combining bureaucratic with self-administrative functions, was a favorite with Junkers who by temperament seemed to be especially fitted for the job with its requirements of initiative and personal discretion; they occupied twenty-nine per cent of the posts in 1888 and twenty-three per cent in 1914, with the percentages almost twice as high in the eastern provinces.

Detailed statistics for the several positions confirm the conclusion that the numerical weight of the Junkers was less than we have often been led to believe, and that, although a compact minority, they were not the prevailing social and political group in the Prussian administration during the period. Furthermore, their relative numbers declined with the increasing scope of administrative functions which called for more personnel, and with the political and social rise of the middle class during the latter part of the nineteenth century.

To see the Junker influence in its true numerical proportions does not mean to deny its effectiveness, especially since the strategic distribution of Junker officials made the most of their numbers. The Junkers, who generally expressed, though not necessarily determined, the views of the Conservative party, no doubt were a serious obstacle to political progress in Prussia and Germany as a whole, and they showed a remarkable staying power in the face of socio-economic and constitutional changes in the twentieth century. Well might one ask how much of their influence lingered after the downfall of the régime which they had helped build up and preserve, and how much of it went into the making of the Nazi state.

An extensive bibliography augments the value of the study.

GERHARD KREBS.

Cleveland, Ohio.

Racial State. By GERHARD JACOBY. (New York: Institute of Jewish Affairs of the American Jewish Congress and World Jewish Congress 1944. Pp. xii, 355.)

Germany's Stepchildren. By SOLOMON LIPTZIN. (Philadelphia: The Jewish Publication Society of America. 1944. Pp. viii, 298. $3.00.)

The methods employed by Germany to dominate every phase of life in the occupied countries will, for some time, be of interest to the political

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scientist. Since Czechoslovakia was the first non-Germanic area in which these methods were applied, Mr. Jacoby's discussion of German rule in that country from 1939 to 1942 is important as an exposition of what was probably the experimental stage in the creation of the "New Order" in Europe. The author's objectivity and the fact that his material is carefully documented—based in large part upon the original ordinances and decrees—further enhance the book's value to the scholar and student.

The title, *Racial State*, which Mr. Jacoby has selected, is somewhat misleading, as the book deals only partially with the measures adopted by the Nazis to establish a caste system based on race in Czechoslovakia. In this connection, however, the author's explanation of the particularly harsh treatment accorded the Jews under the German Protectorate is of especial interest. In his opinion, the example of the Jews represented both a reward and a subtle threat to the Czechs—a reward in that the Czechs were more leniently treated, a threat by demonstrating what might happen should they disobey their German masters.

Two other features of German occupation of Czechoslovakia impress themselves upon the reader's mind—the emphasis placed by the Germans upon establishing a legal basis for morally unjustifiable acts, and the use of the Czech puppet government to strengthen German control and ostensibly to shoulder responsibility for some of the more onerous measures put into force at German insistence. While these aspects of Nazi policy are by now well known, Mr. Jacoby's concrete examples of their application reveal sharply the way in which they have been intended to deceive the thoughtless or the unsuspecting.

The only link between *Racial State* and *Germany's Stepchildren* is that of the position of the Jew under German rule. While in the former book the problem is considered from the viewpoint of German treatment of the Jews as a group, in the latter the author is concerned primarily with the relation of the individual Jew to the state in which he lives. Although the question is discussed exclusively with respect to Germany and Austria, the implications of Mr. Liptzin's argument are of universal application.

Mr. Liptzin develops his thesis by the ingenious device of describing the approach adopted by famous persons of German-Jewish origin to the problem of their duality, ranging from Rahel Varnhagen and Ludwig Börne to Martin Buber and the Zweigs. He thus brings out the various solutions which have been attempted, but it is not until his scathing comments upon Franz Werfel that the author reveals his own opinions. A large number of persons, both Jew and non-Jew, may challenge the validity of a solution of the Jewish problem which rests upon the establishment of a Jewish state, national or bi-national. However, only those governed by passion and prejudice would not agree with the author that the in-

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calculable contribution to the world of Jewish faith and Jewish genius must be preserved.

D. BEATRICE MCCOWN.

Vassar College.

The Problem of Statelessness. BY P. WEIS AND R. GRAUPNER. (London: World Jewish Congress. 1944. Pp. 1, 40. 2/.)

In this pamphlet the difficult problem of statelessness in the post-war world is presented by two international lawyers from separate points of view. Dr. Weis analyzes the subject as a broad legal-political problem, while Dr. Graupner deals with a special cause of statelessness—the change of sovereignty over territory after the last war. The reports are of current significance in view of the questions of nationality which will call for solution at the close of the present war.

Dr. Graupner, following an analysis of the provisions of the peace treaties after 1918, concludes that the most equitable solution for the problem of statelessness in the coming era would be to (a) determine the nationality of resettled populations by the principle of "habitual residence" rather than by the arbitrary principle of *Heimatsrecht*, and (b) establish a central international tribunal for deciding disputes of nationality, the individuals concerned having immediate access to such judicial authority. The author recommends the fixing of the requirement of "habitual residence" for a date some years prior to the change of the territory with which the individual has had closest contact.

Dr. Weis, on the other hand, makes suggestions for the legal solution of the problem from a broader point of view. He projects the thesis that the law of nationality is in its present state of crisis due to an exaggerated conception of the state and the unlimited exercise of its sovereign omnipotence, and to the absence of effective international machinery for the enactment and enforcement of universal regulations. Hence, the author maintains, the hope of those adversely affected by prevailing nationality laws of the separate states must be that there will emerge from the chaos of the present war an international community which will create the machinery for the development and enforcement of a system of international law in which individuals would achieve international citizenship by becoming subjects of the law of nations.

The interesting approaches to this difficult topic presented in these two essays should be studied especially by all persons upon whom the heavy responsibility rests for the elimination of this social and legal disease of statelessness.

CATHERYN SECKLER-HUDSON.

The American University.

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The Czechoslovak Cause. By Eduard Táborský (London: H. F. and G. Witherly Ltd. 1944. Pp. ix, 158. 12s.6d.)

The legal position of governments-in-exile presents a new and difficult field of speculation. During World War I, there were many instances of military occupation, but only two governments-in-exile, the Belgian and the Serbian, neither of them giving rise to important legal problems. During the present war, there have been eight governments in London, among them that of Czechoslovakia, the subject of this study by Mr. Táborský, one of the sponsors of that government.

Mr. Táborský discusses juridical problems relating to Czechoslovakia from the time of the Munich Agreement of 1938 on through the conclusion of the Soviet-Czechoslovak treaty of friendship signed on December 12, 1943. He begins his volume with a legal study of the Munich agreement and the Vienna arbitration, and holds that they cannot be regarded as a part of valid international law today. Admitting some ambiguity in the position of Czechoslovakia after the establishment of a German protectorate over the country on March 23, 1939, he nevertheless contends that the state continued to exist as a juridical entity, at least in the view of governments which did not recognize the German occupation. He argues that his country was in a state of war with Germany for a short time after March 14 or 15, 1939, and that the war was renewed by the declaration of the Czechoslovak National Committee late in December, 1939.

In view of the fact that the Czechoslovak government of Dr. Beňes, unlike the other governments-in-exile, was not and could not be set up by constitutional procedures, Mr. Táborský gives considerable attention to the Beňes government and concludes that it brought no breach in the continuity of the state. The "provisional" recognition given to the National Committee in London by the British government he regards as "some sort of recognition *de facto*."

In summary form, Mr. Táborský's volume boils down to a case for continuity of Czechoslovakia as an independent state in international law, without the limitations imposed upon her in 1938–39 by her neighbors. That it is a "case" could not be denied, and probably would not be, by its author. This by no means condemns the book. Certainly one of the justifications for international law is its provision of a standard to which appeals of just this sort can be made. It would be commendable if this practice of testing national conduct and establishing national rights by the standard of international law were to become more general.

There are places where more proof or citations in support of the author's statements of international law would have been helpful. His contention that provisional recognition of a government is to be considered "more or less a recognition *de facto*" is not convincing, for *de facto* status

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generally implies an assertion of authority which is not possible for a government absent from its territory. Most of Mr. Táborský's argument, however, will appeal to the reader as sound.

NORMAN L. HILL.

University of Nebraska.

Approaches to World Peace; Fourth Symposium of the Conference on Science, Philosophy, and Religion. EDITED BY LYMAN BRYSON, LOUIS FINKELSTEIN, AND ROBERT M. MACIVER. (New York: Harper and Brothers. 1944. Pp. xviii, 973. $5.00.)

It is a characteristic of symposia that they tend to put into sharp juxtaposition, without necessarily always achieving synthesis, viewpoints and data which under other conditions would seldom be brought together. This volume is no exception. It represents an endeavor to reach as broad an agreement as possible, in the light of existing knowledge, as to how the fundamental problem of world peace may be approached. Under diligent editorship, this fourth effort at integration in a widely diversified and discrete province of human endeavor is brought into clear-cut focus with results that, on the whole, are both stimulating and helpful. The volume is a compendious one, working through such a large mass of loosely related subject-matter that its very comprehensiveness makes detailed evaluation difficult. So wide were the terms of reference employed that much in the way of marginal, and even sub-marginal, data has entered these pages. They are of interest to the student of political science chiefly in their revelation of the spectrographic width of the problem of world peace, which is revealed as embracing much that is both above and below the range of strictly political visibility, and which has other dimensions as yet not fully explored.

Of the seven major parts of the volume, dealing respectively with the relationship to enduring peace of the social sciences, psychological research, education, arts and letters, philosophical ideas, religion, and public administration, obviously may lie outside the strict scope of political science interest, only the first and last being directly, the rest only tangentially or casually, involved. Because of the avowed objective of ideological interpenetration, however, the volume has much of genuine value from other garden plots besides our own, and goes far toward correcting some long-standing and dangerous departmentalizations in American thought.

For the political scientist interested in world peace as the resultant of world governance by contrast with the relative anarchy of the last three hundred years, the volume is illuminating, in that it shows the problem to have contexts and outreachings far beyond the power of formal institutions of international government, no matter how powerful, to

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control. To this reviewer, the value of a synthetic approach in terms of anthropology, archaeology, art, education, philosophy, psychology, and religion lies primarily in giving articulateness to points of view seldom thrown into justaposition, and so far wider bases of reference for the solution of the problems involved. The practice of subjecting each contribution to the cross-fire of other cognate contributors is wholesomely deflationary, yet it is difficult to conclude that great advances have been made in the digestion or integration of all phases of the problem passed in review. It will require a number of additional symposia, building on what previous ones have achieved, before the problem is wholly, or even to a large extent, solved.

At the risk of appearing to ignore the achievements of others among some hundred contributors, the reviewer desires to emphasize the trenchant value, for the issues of our day and time, of the fundamental re-examination of sovereignty contributed by Charles E. Merriam, the incisive discussions of federalism in antiquity and modern times furnished by Moses Hadas and Moorhouse F. X. Millar, S. J., and the factual but stimulating discussions of the future of international administration supplied by Ordway Tead and others at the close of the symposium.

MALBONE W. GRAHAM.

University of California at Los Angeles.

Claims to Territory in International Law and Relations. By NORMAN HILL. (London, New York, Toronto: Oxford University Press. 1945. Pp. vi, 248. $3.00.)

Current history and future events are bound to heighten interest in territorial questions and settlements throughout the world. Viewed in this light, Professor Hill's latest book is most timely and enlightening regarding the nature of territorial disputes and the procedures available for their solution. Its value for this purpose is not impaired by the fact that the analysis has been restricted to the major European and American controversies of the nineteenth and twentieth centuries, because they have been, as the preface points out, more numerous, more troublesome, and better documented than other disputes. Nor is the value of this volume lessened because its author has not undertaken to advance solutions to particular territorial problems, but has limited himself to suggestions "regarding the relative strength of different types of claims and the procedures for their treatment" (Preface, p. v). Such restraint must be deemed a credit to the writer in view of the torrent of panaceas for the territorial and other ills of the world released upon the public these days through radio and press. Professor Hill's richly documented, sober, and impartial (but by no means pessimistic) investigation is indeed a much-needed antidote for the hastily concocted cure-alls of less conscientious minds.

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The twelve chapters of Professor Hill's volume accomplish his purpose admirably. These chapters may be said to fall, roughly, under three main heads. The first of these deals with territory as the basic cause of international disputes (Chap. I); the second, with disputes over, and types of claims advanced to, territory (Chaps. II–X); and the third, with solutions and procedures in territorial controversies (Chaps. XI–XII). Under the first of these headings, the author may be said to illustrate the proposition that, in view of the importance attached by states to territory, "international relations, in their more vital aspects, revolve about the possession of territory" (p. 3). As a result, the chapter shows, *every* modern state, if left to its own devices, tends to expand. The five maps appended to the first chapter (pp. 17–21) for illustration of the principal boundaries and areas at one time or other in controversy amply substantiate this realistic view.

Under the second main heading Professor Hill analyzes territorial disputes to determine their nature and causes. As a result, he classifies them as to their nature into "non-legal" (or political) and "legal" disputes. Although Professor Hill seems to suggest at times that a particular controversy is objectively or inherently non-legal or legal, the criteria for the classification are taken from practice and appear to rest wholly on the subjective attitudes of the powers involved and on the political situation of the area concerned. The same remarks apply more or less to the division of the causes of "non-legal" territorial controversies into five main types—strategic, geographic, historic, economic, and ethnic claims—and one miscellaneous group. The evidence presented here abundantly, and taken largely from official sources (particularly from records relating to the Paris Peace Conference of 1919), fully supports, of course, these classifications. These chapters also illustrate the ingenuity of victorious or hegemonial powers for rationalizing territorial claims and the division of spoils on any or all of the above grounds. The last chapter under this general heading deals with "legal" claims. It describes accurately both past and present rules of international law for the settlement of territorial disputes.

Under the third of the reviewer's general headings, Professor Hill suggests a system of weighting the five main types of non-legal claims to territory and describes the procedures available for the amicable settlement of these non-legal disputes. His main argument here is that proper evaluation of claims and more frequent and honest recourse to available procedures—diplomacy, conference, arbitration, inquiry, conciliation, adjudication and *ex aqueo et bono* adjustments—would tend to lessen the heat and reduce the number of territorial controversies. Professor Hill, however, also points out that under present conditions any solutions arrived at by peaceful or other means are at best relative solutions conditioned by time and place and the powers involved and, therefore, solutions

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which in the future must undergo further change. Throughout, and especially in his conclusion, the author stresses that no permanent settlements of territorial problems can be expected until the modern state changes its stripe. It might be added, paraphrasing Machiavelli, Hobbes, and their like, that while *imperium imperio lupus*, there is little hope in sight for even relatively stable territorial settlements under any conceivable plan.

Books like Professor Hill's can possibly contribute to bringing about the necessary change of heart and mind in matters relating to territory. For this reason, as well for its own intrinsic merits, the volume should be made required reading. It ought to stimulate discussion of territorial controversies in the classroom and elsewhere.

GEORGE MANNER.

University of Illinois.

Social Policy in Dependent Territories. Studies and Reports. Series B (Economic Conditions), No. 38. (Montreal: International Labor Office. 1944. Pp. 185. $1.50.)

This book is a summary and evaluation of colonial social policies, with stress on their relation to the activities of the International Labor Organization. It is an official publication, without specified individual authorship, written mainly from colonial office reports and records of the International Labor Office itself, and from recent books on colonial affairs which vary from the monumental *An African Survey* by Lord Hailey to an *apologia* such as Hart's *Toward Economic Democracy in the Netherlands Indies*. This realistic survey of health, labor, and governmental policies is the most comprehensive and authoritative brief account of social policy in dependent territories for the inter-war period.

In dealing with reforms and the prospects for reforms in which the ILO is interested, the authors show such constructive optimism that a reader's respect for ILO statesmanship rises. It is a statesmanship inspired by the desire to help all peoples achieve the good life, and it is grounded on modern concepts in anthropology, economics, and international relations. These may be seen in the sympathetic respect for native cultures and in the concern over the weakening of village life by the long absence of men in distant employment, as in South Africa; they appear in the recognition that labor inspectors are commonly friendly collaborators instead of officious intruders; these concepts are apparent also in the recognition of the inadequacy of the Wilsonian concept of trusteeship, which is being replaced among ILO officials and some colonial administrators by ideas of partnership and free association. There is evidence of a rising sense of responsibility on the part of advanced nations toward dependent peoples

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which is more appreciative of them than was the older *la mission civilisatrice*, and which contrasts with the current talk of postwar imperialism. Perhaps the new imperialism will be sensibly moderate and coöperative—at least this book reveals the conviction of ILO officials that philanthropy is not enough.

The founders of the ILO empowered it to deal with colonial labor problems without, however, establishing a direct system for colonial participation in managing it. It is noteworthy both of contemporary "de-colonization" and of the extension of ILO activities that colonial labor officials are being appointed in increasing numbers to the general conference of the ILO. Aside from its researches, the ILO has solid achievements in four major conventions relating to forced labor, recruiting of native workers, their contracts, and to penal sanction labor, as well as in sixty-three other conventions. At the invitation of the League Council, an ILO representative sat regularly in the meetings of the Mandates Commission devoted to labor problems. Like all other international agencies, the ILO is limited by sovereignty; accordingly, last April the Philadelphia convention rejected a proposal for labor inspections by the ILO itself.

This study is too brief and compact; a longer book would be more readable. ILO writers possess a flair for writing mildly so that even the most harsh practices and practitioners are treated so scientifically that we almost forget their sins. *Social Policy in Dependent Territories* is a competent, useful book which deserves to be done again for popular readers.

GARLAND DOWNUM.

Arizona State Teachers College.

China Among the Powers. By DAVID NELSON ROWE. (New York: Harcourt, Brace and Company. 1945. Pp. x, 205. $2.00.)

This book, published under the auspices of the Yale Institute of International Studies, is, in the main, an analysis of China's resources and an examination of problems involved in their development and use. The author divides his treatment of resources into three chapters dealing respectively with manpower, agriculture, and industrial raw materials. His examination of problems similarly occupies three chapters, one on industry, another on transport and communications, and a third on government and social organization. The book is introduced with a brief survey of China's military significance today and is concluded with a discussion of postwar organization for peace.

It would be fortunate if the chapters on China's resources and the problems of their development and use could be published serially in a popular weekly. They should be read by the American people. They would help to convince the critics of certain responsible journalists that the publication of hard facts relating to China's political and economic

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order is not part of a conspiracy to discredit the National Government or Chiang K'ai-shek. China's best friends are those who take account of her liabilities as well as her assets. This study is an honest, fully-documented, and thoughtful appraisal. It is loaded with essential data, presented cogently, and applied logically to substantiate judgments and proposals of policy.

While an internationalist may wish to believe that the admission of China to the sacred circle of the Great Powers is belated recognition that greatness is definable in terms of civilization rather than of military power, he must agree with this author's assumption that power is still the criterion of international greatness. That being true, is China in fact a Great Power? Anyone who knows China will say "no" to this query. And others who read this book will agree. It raises doubt, indeed, that China has the potentialities of a Great Power. It points to internal dangers that threaten her very existence. But it also expresses confidence that these dangers will be overcome if China's own statesmen and those of her allies measure up to their responsibilities.

Rowe takes the welfare of the Chinese people as the touchstone of policies of economic and political reorganization. He offers many pertinent and practical suggestions to which China's policy-planners may well give heed. China, he truly says, "must raise greatly the level of the physical and technical efficiency of her manpower while altering radically the system of distribution of agricultural income." He foresees no early solution of the problem of over-population and no likelihood that the Kuomintang, while it remains the party of the landlords, will give serious attention to the intolerable sufferings of the peasantry. He anticipates, on the contrary, that industrialization will be urgently sponsored by the government, in spite of inadequate national resources, and he fears that the workers may be deprived of necessities to provide exchange for imports of machinery and steel. The United States and other powers should recognize the latent dangers in a premature industrialization and assist China toward a balanced program of economic development.

The final chapter on the organization of peace wisely insists upon the necessity of a security organization in or including the Far East. Whether this would be well-founded in the Cairo communiqué—which the author accepts without debate—buttressed not by intra-Oriental confidence but by American forces stationed in the Liu Ch'ius, the "sale" of Outer Mongolia to the U.S.S.R., the reëstablishment of extraterritoriality in Japan for the implementation of Chinese and Korean espionage, in the event that the Japanese show signs of intention to rearm, the prohibition of aircraft manufacture, the limitation of Japanese shipbuilding to small vessels, etc., may be doubted. To the reviewer, the author gives inadequate consideration to the possibilities of international organization and

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to the condition, needs, and future significance of China's neighbor peoples.

HAROLD S. QUIGLEY.

University of Minnesota.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

The People's Choice; How the Voter Makes Up His Mind in a Presidential Campaign (Duell, Sloan and Pearce, pp. 178, $3.00), by Paul F. Lazarsfeld, Bernard Berelson, and Hazel Gaudet, is a study of conditions which determined the political behavior of voters during the presidential campaign of 1940 in Erie county, Ohio—a county chosen because it was fairly representative of the northern and western sections of the country and because it was small enough to permit close supervision of the interviewers. This report is more significant for the methodology employed by its investigators than for the findings themselves, valuable as these are. The study is concerned with the development of votes and not their distribution, and is therefore the first of its kind to trace a person's vote throughout a political campaign, "from his pre-convention attitudes through his reactions to the barrage of propaganda which constitutes the campaign proper to his actual vote on Election Day." The panel technique—repeated interviewing of the same six hundred people who were seen once a month from May until November—enabled the investigators to determine who changed their vote intention during the campaign and to study the characteristics of these vote-changers. Secondly, many examples are presented to show how valuable information is accumulated from one interview to the next which distinguishes those exposed to predominantly Republican or predominantly Democratic propaganda. It was found that exposure to political propaganda did have a converting effect, but there were very few open-minded voters who made a sincere attempt to weigh the issues of the candidates dispassionately. One of the best chapters in the volume, "The Radio and the Printed Page," discloses that people highly exposed to one medium of communication also tend to be highly exposed to other media, and that the same group of people were highly exposed to the different media of political communications at different periods of the campaign. Furthermore, Republican voters exposed themselves more to newspapers and Democratic voters more to radio. Thirdly, through the panel technique, when a respondent changed his vote intention between two interviews, it was possible to study the reasons for change and thus to gauge the effectiveness of the propaganda and other influences to which he was subjected. Thus ideological differences between Democrats and Republicans were examined and the

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processes of activation, reinforcement, and conversion were analyzed. Fourthly, the authors hold that repeated interviews make it possible to trace the effects of propaganda statistically among people who are undecided at one interview but who have an opinion at the next. Thus a time sequence is established which aids in determining cause and effect, unlike the information secured in the usual public opinion surveys. Forty-one charts graphically point up the results of this report, and full explanatory footnotes in the Appendix add to the usefulness of the volume. The validity of the findings should be tested by additional similar studies of major elections.—BELLE ZELLER.

The Public Administration Service has reprinted the series of articles on *Administrative Management in the Army Service Forces* which appeared in the *Public Administration Review* for Autumn, 1944, as its Publication No. 90 (Chicago: Public Administration Service, 1944, pp. 62, $1.00). The collection includes a short essay on "Management" by Lt. General Brehon Somervell, Commander of the Army Service Forces; an account of "Management Control in the ASF," by Maj. General C.F. Robinson, the Director of the Control Division, ASF; a description of the changes which have occurred in the "Organization Structure of the ASF," including some of the reasons for making them, by Lt. Col. John D. Millett of the Administrative Management Branch of the Control Division, ASF; an essay on "Statistics as a Tool of Management" by Col. John D. Witten, Chief of the Statistics and Progress Branch of the Control Division, ASF; an article on "Standardization of Procedures" by Col. Oliver A. Gottschalk, Chief of the Procedures Branch, Control Division, ASF; and a description of "Control Activities in the Quartermaster Corps," by Brig. General H.A. Barnes, Chief of the Organization Planning and Control Division, Office of the Quartermaster General. The Control Division of the Army Service Forces performs the functions for that branch of the War Department which would ordinarily be carried on by an efficiency engineer and his staff in a private enterprise. The sudden expansion of employment and functions in the supply and service branch of the War Department made the regulations and routine of peace-time red tape intolerable. The Control Division, assisted by comparable units in each of the services and offices of the ASF, has been engaged in the monumental task of shaping new procedures and attempting to improve organization to accomplish the task at hand. No new principles have been evolved. The principal interest in this series of articles is their historical significance as a record of progress in adapting an obsolete organization and procedure to the requirements of total war. Much has been accomplished, but even at its present stage the War Department's program is still behind the best business and governmental practice. No doubt more would have been done if the work could have been started at a more

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advanced level and if an adequate number of trained business and governmental analysts had been used from the first at all echelons of the program.—HARVEY WALKER.

State Taxation of Metallic Deposits (Harvard University Press, 1944, pp. xvi, 400, $4.50), by Warren A. Roberts, is divided into three parts. The first has four brief chapters on the economic principles and political problems of taxing mineral deposits. Part II contains a general chapter on the western prospectors and eight chapters on the states using other than the ad valorem tax, i.e., Nevada, Utah, Idaho, Montana, Louisiana, Arkansas, South Dakota, and Colorado. For scarce metals difficult to appraise, some arbitrary derivative of gross or net income plus the value of surface improvements is frequently used as a tax base. A few states have tried the Hoskold formula combining discount and interest rate formulas. The tax on net proceeds has been the most popular, but Arkansas and Louisiana use a severance tax. Over half of the book, Part III, is devoted to a detailed discussion of those states using the ad valorem tax, i.e., Arizona, New Mexico, Alabama, Michigan, and Minnesota. Earlier, California, Kansas, Missouri, Oklahoma, and Wisconsin are listed in this group, but they are not discussed separately. The book is broader than the title indicates. It is a case study of political history and pressure groups in the principal mining states, particularly Arizona, Colorado, Michigan, and Minnesota. Interesting sidelights are given on the early prospectors; the paternalistic attitude of a few later mine-owners toward local mining towns; and the dislike generally of taxes for state purposes. Considerable space is given to a controversy over a monograph on *Taxation of Mines in Montana*, which resulted in the dismissal in 1919 and, after an A.A.U.P. report, the reinstatement, of an economics professor at the state university. Vivid descriptions are given of numerous state and local political leaders. The chief conflicts have usually been between resident farmers and non-resident mine-owners, the solutions varying with business and political conditions, but generally taking a pattern which submits to the marginal economic analysis. Although the property tax is less applicable to mining than to farming or urban property, the author apparently agrees with the advisers (on the basis of theory) who generally endorse the ad valorem tax. Appraisal is a difficult problem, but only Michigan and Wisconsin have customarily employed engineers (which the author favors) in making assessments. State tax commissions have often been established as weapons of pressure politics. The most important single problem has been the distribution of responsibility for administration between the commissions and the courts. In his conclusion, the author comments on the private development of mineral resources to meet a national demand which made such properties more fit objects for national than for local taxation. The book is a good

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one—carefully written, but difficult reading. It needs an index.—WILLIAM L. BRADSHAW.

Students of government are generally familiar with the Reference Shelf series of debate handbooks, of which *Lowering the Voting Age* (H.W. Wilson Co., 1944, pp. 237, $1.25), compiled by Julia E. Johnsen, is a part. The technology of war as well as of production demands youthful operators. When the draft age was lowered to eighteen years, a considerable hue and cry arose for lowering the voting age. The logic may be a trifle faulty. It runs as follows: If an eighteen-year-old boy is old enough to fight, he and his eighteen-year-old sister are old enough to help solve the multiple problems of a complex society. Unfortunately, too little attention is paid in this volume and elsewhere to the most cogent reason for lowering the voting age, namely, the desirability of making the electorate a fair cross-section of a society whose population is proportionately growing older. However, it is very easy to overemphasize cleavages between age groups. To paraphrase Lincoln Steffens, every boy can still safely trust his mother to have his welfare at heart. Miss Johnsen has brought together in convenient form a group of miscellaneous arguments generally relevant to the proposal for lowering the age of suffrage, with the apparent thought that the volume would be useful to high school debaters. It probably is. Political scientists will have little reason to read the views presented unless to note what an insignificant part their writings play in a field clearly within their purview. Students of government may reflect with a certain melancholy satisfaction upon how much of the writing on this topic has been done by "educationists" who apparently do not fear to rush into a field where political scientists find themselves properly very humble.—JASPER B. SHANNON.

FOREIGN GOVERNMENT AND POLITICS

Poland (University of California Press, pp. xix, 500, $5.00) is the fourth of a projected series of volumes on the United Nations to be issued under the general editorship of Professor Robert J. Kerner. The editor of this volume, Professor Bernadotte E. Schmitt, heads a distinguished list of American and Polish contributors. Although a sizable introductory section deals with Polish anthropology and historical development from earliest times through the nineteenth century, at least four-fifths of the volume is devoted to the evolution of the Polish state in the period between the two world wars. As would be expected, the various contributors are thoroughly sympathetic to the cause of Poland. Nevertheless, they do not often violate the canons of scholarly objectivity; and the wholly unbiased reader, conscious of the troublesome historical legacy which restored Poland inherited in 1919 and of the diplomatic implications of

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her geographical position in Europe, cannot fairly deny that her record is a highly creditable one. Combined with the all too brief commentary on Poland's valiant martyrdom in the current world conflict, which comes at the end of the book, this record provides a timely and effective antidote for some of the cruder current propaganda which, by ascribing all manner of evil and political incompetence to the rulers of Poland from Paderewski to Sikorski, is intended to mitigate possible criticism of the Yalta partition and the reduction of the rump of national Poland to the status of a Russian puppet state. It is possible that this volume and others of the same series may attract the attention of those who are currently experimenting with the so-called "area study curriculum." The editor's judgment as to the relative amount of space devoted to various subjects in the book and his decision as to which topics should receive treatment and which should not, may be questioned; and the unevenness in the quality of the various contributions may be deplored. Nevertheless, this and its sister volumes do represent a systematic attempt to provide comprehensive treatment for a given nation or area, descriptions of constitutional, political, diplomatic, and economic behavior being supplemented with adequate discussions of cultural phenomena, and the whole being prefaced with an outline of historical development. Whatever limitations they may suffer from, these volumes would have been highly regarded by those responsible for the "area" programs of various recent military training curricula, and they may well find a considerable field of usefulness in civilian curricula.—ARNOLD J. ZURCHER.

The subject of Siegfried Goldschmidt's *Legal Claims Against Germany* (Dryden Press, 1945, pp viii, 213, $3.00) is narrower than the title indicates; it is concerned only with the legal consequences of Nazi Germany's treatment of its Jewish citizens. Are their rights protected by any higher law or principles of justice? Does the right exist whereby compensation may be claimed on behalf of those upon whom injuries have been inflicted? In a strong affirmative argument, the author relies on several sources, including natural law, minorities treaties, and the right of intervention. Stress is laid on the thesis that natural law is a part of international law; therefore "the violation of human rights" is an "infringement on the rights of the international legal community," and consequently is an "international wrong." As sympathetic as the reviewer is to this point of view, it is doubtful whether it is a correct statement of the law which prevails. The hand of positivism still lays heavily upon international law. Enforcement of a "bill of rights" between a state and its citizens by outside nations would certainly involve a rather fundamental change. On page 16, it is said that "the test for the application of rules of international law, including the Law of Nature, is whether or not a

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sufficient number of jurists, statesmen, clergymen, and representatives of public opinion are convinced that the harmony of the rules with the general legal conscience of mankind makes them binding." This is only partly true. It is the practice of states which is determinative. But perhaps these criticisms are unimportant since the author seems most of the time to be stating what should be rather than what is. Much of the book is a cogent, informed, and well-documented analysis of responsibility for damages and rules of compensation under international law; as such, it is useful, even by itself. But its application to the injuries done to certain citizens by their own government depends upon the validity of the earlier postulates. If these injuries are a violation of human rights, and if this violation is a legal basis for international claims, then the nationality of the persons wronged—up to now a key point—is indeed irrelevant.—RICHARD C. SNYDER.

In his *Timeless Mexico* (Harcourt, Brace and Co., 1945, pp. 436, $3.50), Hudson Strode gives an interestingly written panoramic account of Mexican history from pre-conquest days to early 1944. Professor Strode is the author of several successful travel books ranging from Finland to South America, and *Timeless Mexico* is probably his best book so far. Statistical tables, charts, graphs, and diagrams are not his *métier*, nor does he engage in systematic social or political analysis. Nevertheless, the present work will be of real interest to professional political scientists who follow Latin American affairs. The author has the habit of interpreting the main periods of Mexico's history in terms of her leading personalities. While this method may not be suitable in all cases, it remains true to this day that Mexicans (like most other Latin Americans) are inspired by great leaders rather than by abstract philosophies. Half of the book is devoted to the new Mexico that was born a generation ago. The Mexican Revolution filled the decade of 1910 to 1920, and has been, so far, the only great revolution in this hemisphere with purely social and economic objectives. Its aspirations and achievements deserve to be better known in the United States, and Professor Strode's account, though occasionally superficial, will help to clarify the long-term implications of this period of Mexican history. On the whole, Professor Strode deals with the more recent phases of Mexican life in a spirit of fairness and sympathy, especially in the discussion of the Cárdenas administration. The last part of the book, describing the present régime of President Avila Camacho, has useful information, not widely known, on Mexico's strong pro-United Nations foreign policy, the Fascist movement of *sinarquismo*, and the recovery of power and influence by the Church.—WILLIAM EBENSTEIN.

The first *Military Government Gazette, Germany*, is for the 21st Army Area of Control. Number 1, printed late in November, 1944, contains

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nearly eighty pages. While it has a title also in German (*Amtsblatt der Militärregierung, Deutschland*) and text in German as well as in English, the English text is to prevail. "In each area of Germany occupied by groups of armies under the command of the Supreme Commander," there is to be a military government gazette, carrying in each instance the area to which it relates. The content of this first number would bear some comparison with the three numbers of the *Sicily Gazette* and the one number of the *Italy Gazette*. Number one of the *Military Government Gazette, Germany*, includes Proclamation number 1 establishing a military government, Ordinance number 1 dealing with crimes and offenses, Ordinance number 2 on military government courts, and Ordinance number 3 on the official language. It further includes Law number 1 abrogating Nazi law, Law number 2 on German courts, Law number 4 establishing a military government gazette, Law number 5 dissolving the Nazi party, Law number 6 dispensing by act of military government with necessity for compliance with German law, Law number 51 dealing with currency, Law number 52 blocking and controlling property, Law number 53 on exchange control, Law number 77 suspending certain organizations and offices concerned with labor, and Law number 161 on frontier control. All were promulgated as of the date of original occupation of German territory, September 18, 1944.—J. B. CHILDS.

For countries which were under Axis domination, files of the printed texts of decrees, ordinances, and regulations would seem to be essential in understanding the return to free institutions as the countries are liberated. It has been only with difficulty that copies of the official ordinance gazettes have in the past been procurable outside the Axis countries, and in no instances do complete files seem to have become available. In the latter part of the occupation period in Belgium, the German military authorities prohibited the sending of copies to non-Axis territory, and this same situation may have existed elsewhere. For the Grand Duchy of Luxembourg, under the German occupation from May, 1940, to September, 1944, the regulations promulgated by the occupying authorities were first printed in the *Verordnungsblatt des Militärbefehlshabers in Belgien und Nordfrankreich*. Beginning with September 1, 1940, a special *Verordnungsblatt für Luxemburg* was published by the chief of the German civil administration, there being no "puppet" administration. The first ordinance deals with the use of German, designating it as the official language for use in government offices, in the courts, and in the schools. Beginning in the spring of 1941, an *Offentliches Anzeiger zun Verordnungsblatt* was established to publish company statements and reports, patent and trademark registrations, and other supplementary materials. The final issue of the *Verordnungsblatt* is Number 30 of 1944, dated August

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24. On September 12, 1944, the *Mémorial du Grand Duché de Luxemburg*, was resumed with number 1 as the official gazette of the government just returned to its homeland from London. Number 3, dated September 18, 1944, reproduces the six numbers of the *Mémorial*, published in Canada and England, two in 1941, two in 1943, and two in 1944.—J. B. CHILDS.

The French Assemblée Consultative Provisoire, constituted at Paris by an ordinance of September 17, 1943, to provide, under existing circumstances, as wide as possible an expression of national opinion, has published under the title *Textes organiques, règlement intérieur et renseignements généraux, novembre 1944*, a small pocket folder with eight fasicules or leaflets containing the text of the ordonnance of September 17, the rules of the Assembly, a directory of members, general information about the services of the Assembly, a brief government directory including the principal officers of the ministries, a brief directory of the overseas governments, and information and a directory of the press gallery. The debates of the Assembly are printed currently as supplements to the *Journal Officiel*. A brief daily calendar of the proceedings is issued in octavo leaflet form under the title *Feuilleton*. The bills (propositions de résolution), committee reports, budget documents, etc., are issued in a quarto pamphlet series.—J. B. CHILDS.

The Ministério das Relaçôes Exteriores of Brazil has, in a 50-page *Lista de publicaçôes, 1° e 2° semestres de 1943* (Rio de Janeiro, Imprensa Nacional), attempted to present a comprehensive list of the official publications of that department through 1943. The first annual report (*Relatório*) on Brazilian foreign relations was presented in 1826. The titles of each one of the separately printed treaties is included, beginning with the first issue of the *Coleção de atos internacionais* in 1927. It may be noted that Brazil is the only one of the other American Republics publishing such a current treaty series.—J. B. CHILDS.

INTERNATIONAL AFFAIRS

Eighteen essays, ten of which are case studies of the wartime economies of particular countries, are brought together by Seymour Harris in *Economic Problems of Latin America* (McGraw-Hill Book Co., 1944, pp. xiv, 465). The studies are not uniform in organization or method of analysis, and neither the general essays nor the essays on individual countries constitute a systematic survey of the field. This is not a criticism of the work, since the differing approaches of the seventeen contributors illuminate the problems of semi-colonial economies more than would a systematic survey by a single author. This compact volume is especially welcome because it makes publicly available a mass of material which would otherwise remain buried in government files. Almost all of the contributors are,

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or have recently been, in government positions concerned with Latin American economic policies. Without exception, the analyses are based on intimate acquaintance with fresh primary data. Since the essays are all descriptive and analytical rather than hortatory, the standard, hackneyed discussions of expropriation and exploitation are avoided. All of the material is nevertheless pertinent to a reformulation of the general problem of the relations between industrially advanced countries and their less developed neighbors.—WILLIAM T. R. FOX.

Many students and statesmen may turn to George Weller's *Bases Overseas* (Harcourt, Brace and Co., 1945, pp. 434, $3.50), now that the problem of disposing of the League of Nation's mandate system has arisen. Those who insist that the United States must hereafter control the Japanese-held Pacific islands in particular will find ready argument in this book. Mr. Weller believes that any nation which engages in a world-wide war and makes world-wide political commitments must perforce establish possessory interest in territories where its armies have found it necessary to fight. To substantiate this thesis, he reviews the history of American foreign policy during the last half-century and attempts also to chart its future course. Fearing that Wilson's pathetic fallacy of non-acquisitive war has again been revived in the Atlantic Charter, the author contends that we must acquire bases that will serve "to contain" our present enemies and, in addition, the whole Eurasian continent. Arguments against such a venture are raised, but briefly dismissed. Any projected plan for internationalization of bases is given short hearing. Weller also rejects the idea of securing the peace by a joint Anglo-Russo-American pact of alliance. The book achieves coherency only by compressing history into a mold, thus giving sole consideration to the question of bases. Assuming the inevitability of another global conflict, attention is centered on a system of permanent American bases overseas which appears necessary in a world of power struggles. Few who read the book can deny its forcefulness, but few will wish to pursue the course suggested by Mr. Weller before exploring the possibility of organizing world security within the framework of a United Nations organization.—GRANT S. MCCLELLAN.

In recent years, cartels have been investigated by Congress, condemned by publicists, prosecuted by the anti-trust division, and fined by the courts. Rarely have cartels been defended, and more rarely have they been praised. J. Anton de Haas, in *International Cartels in the Postwar World* (American Enterprise Association, pp. 52,) tries a new angle. He offers an "objective" study of that form of business organization. He notes that economic conditions in the postwar world are likely to be hectic, and in consequence some form of control will be desirable. He notes further that oftentimes governments have participated in international

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commodity controls, and that they expect to participate in them in the future. These propositions are then followed by the amazing statement that private agreements on control schemes "may in many ways be a more desirable method than the method of government agreement. To some extent at least, the private method of agreement removes the deliberations from the field of national ambitions and places them squarely in the field of business. Those who are concerned with the preservation of business as an activity free from government interference and dictation may find much to commend in this private method of attaining economic stability." This is the substance of the author's argument, which is notable for its failure to show positive merits in cartels.—CHARLES B. HAGAN.

P. S. Gerbrandy's *National and International Stability* (Harvard University Press, 1945, pp. 69) is the Taylorian lecture for 1944 delivered at Oxford University. The prime minister of the Netherlands, formerly professor of commercial law and international private law in the Free University of Amsterdam, selects three great thinkers—Althusius, Grotius, and van Vollenhoven—and analyzes their theories as to the nature of the state and the bases of a legal order among nations. The first two lived in the turbulent era of the Thirty Years War, the third in the period of the First World War, and all were concerned with the search for justice and stability in human affairs. The lecturer, whose country has suffered so much from the German invader, eventually turns to the concrete questions of penalties and reparations, and seeks to apply to them the thought of all three writers. On the fundamental questions of freedom, law, and stability, he finds all of them in essential agreement, though the approach of Althusius is that of the determinist, whereas Grotius and van Vollenhoven give a much higher place to the factor of human reason.—FRANK M. RUSSELL.

The Naval War College's *International Law Documents* for 1942 (U. S. Government Printing Office, 1943, pp. iv, 155) has been prepared, as usual, in collaboration with Professor Payson S. Wild of Harvard. Assembled under the sign of war, the thirty-two documents in this volume deal almost exclusively with matters related to war. Only three documents—including the Food Conference Final Act and the treaty with China ending extraterritoriality for American nationals there, which take, however, nearly one-half of the total pages—relate to peace rather than war. The remaining twenty-nine documents concern the conduct of war, Lend-Lease, prisoners of war, war crimes, maritime captures, and economic warfare. The little volume, as always, is a handy collection of documents illustrating our attitude toward current problems of international relations and law.—GEORGE MANNER.

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POLITICAL THEORY AND MISCELLANEOUS

Everything in the present condition of society and the social sciences suggests that departmentalized study needs to be supplemented by more coöperation and cross-fertilization across traditional subject-matter boundaries. Whoever hopefully approaches in this spirit *Man and the State* (University of New Mexico Press, pp. 152, $2), by Edgar L. Hewett, anthropologist of the School of American Research and the Museum of New Mexico, will experience an unhappy let-down. The first of a series of essays collected in this volume purports to deal with the evolution of the state. After a dozen pages or so, it gives way to general reflections on the state of our society which, without naming any names, variously paraphrase the proposition that the learned author does not like Franklin Delano Roosevelt or any of his works. The historical section seems keynoted in the following passage: "Through an orderly organization of fundamental principles, supplemented by a declaration of rights beyond precedent, a master work of government was erected which, having passed unshaken through the convulsions of the past century and a half, must be regarded by every loyal American with something beyond reverence. It is the very apotheosis of human liberty, unequaled in spirit and structure by any other with the possible exception of the traditionary government of the Pueblo Indians of New Mexico" (pp. 14 ff). There follow a variety of suggestions for good government which, while they convey emphatic political opinions on the part of the author, seem quite untainted by any serious acquaintance with the problems of modern government. There are other essays on citizenship and education, European breeds (discoursing on Spaniards and Scandinavians, of both of whom the author approves), the limits of idealism (the author is worried lest the necessary struggle for existence be endangered if some of the four freedoms be taken too seriously). In a curious concluding essay called "Government Without the State," the author sets forth his conviction of the inherent moral and political superiority of the American Indian world over the crassly materialistic European civilization that got the better of it, a view which unwittingly revives romantic European eighteenth-century notions. Apparently he believes that if American man had developed naturally from Pueblo localism and communism, he would be far better off today. Unfortunately, he admits, we cannot profit from those institutions, because they would not fit "a people of our race which has developed a totally different character through ages of totally different experience" (p. 139). With due respect for the author's good will and high moral tone, it is not easy to understand the relevance or necessity of this literary undertaking.—Wolfgang H. Kraus.

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Seldom has the world's population been subjected to such violent dislocations as have occurred during the last five years. There is, therefore, a special welcome for any authoritative study of the numerous ramifications of this problem. Such a study is given in the January, 1945, issue of *The Annals of the American Academy of Political and Social Science* (pp. 203, $2.00) under the general subject of *World Population in Transition* and edited by Davis Kingsley. The volume is a veritable mine of information. The population of northwestern and central Europe, we are told, will show a decrease from 234 million in 1940 to 225 million in 1970. Of this loss, England and France will account for eight millions. The Soviet Union, however, is in a more fortunate situation. Between 1900 and 1940, the Russian population increased 52 per cent and, leaving the effects of the war out of consideration, it should increase to 251 million by 1970. With such overwhelming numerical superiority and the rapid development of its resources, the Soviet Union will provide excellent insurance against future German aggression. Despite the heavy loss of life that Japan has sustained in this war, the authors feel that her population will increase rapidly for a generation after hostilities cease. Her population, it is estimated, should increase from 69 million to about 92 million in 1965. The important part medical research has played in population trends is graphically shown. For example, during the period between World Wars I and II, England, France, Italy, and Germany saved by the reduction of infant mortality alone some three and a quarter million lives. This amounts to eighty per cent of the number these nations lost in killed during World War I.—ROBERT S. MCCORDOCK.

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RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

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AND

MARJORIE H. SIBLEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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